

# APPEAL AGAINST NON-DETERMINATION

**Land at North West Bicester Home Farm, Lower Farm  
and SGR2 Caversfield**

**21/01630/OUT**

**Case Officer:** Caroline Ford

**Applicant:** Firethorn Developments Ltd

**Proposal:** Outline planning application for up to 530 residential dwellings (within Use Class C3), open space provision, access, drainage and all associated works and operations including but not limited to demolition, earthworks, and engineering operations, with the details of appearance, landscaping, layout, and scale reserved for later determination

**Ward:** Bicester North and Caversfield

**Councillors:** Cllr Mawer, Cllr Pratt, and Cllr Slaymaker

**Reason for Referral:** Major development

**Expiry Date:** 16 January 2023

**Committee Date:** 09 March 2023

---

On the 31 January 2023, an appeal against the non-determination of the above application was lodged. A start date has now been received and the Public Inquiry is scheduled for June 2023. In light of the dates relating to the appeal, Officers require the Committee to confirm how they would have resolved to determine the application, and to set the scope of delegated powers for Officers to deal with the upcoming appeal.

**SUMMARY OF RECOMMENDATION: THAT THE COMMITTEE CONFIRM THAT THEY WOULD HAVE RESOLVED TO APPROVE THE APPLICATION SUBJECT TO:**

- i. THE COMPLETION OF VIABILITY DISCUSSIONS,
- ii. THE COMPLETION OF A S106 AND
- iii. A SET OF PLANNING CONDITIONS

**IN ORDER TO RESPOND TO THE PLANNING APPEAL, OFFICERS SEEK DELEGATION TO DEAL WITH THE UPCOMING APPEAL TO ACHIEVE WHAT COMMITTEE WOULD HAVE DONE SHOULD THEY HAVE BEEN ABLE TO DETERMINE THE APPLICATION (AS SUMMARISED ABOVE – THE FULL RECOMMENDATION IS SET OUT BELOW).**

The report which follows is an updated version of the report included on the Planning Committee agenda for the 12 January 2023 which was deferred at that meeting. It includes the written updates from that meeting and presents a set of conditions and heads of terms which would form the basis for continuing discussions with the appellants team.

## **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is situated to the North West of Bicester and comprises land extending to 23.97ha in area split across two separated parcels of land. However this is extended to 24.2594ha to include two construction accesses to the east of the site. The site forms part of the land allocated by Policy Bicester 1 and it is within the Masterplan for NW Bicester. The two separated parcels of land relate to:
  - An eastern parcel extending to approximately 4.68ha
  - A western parcel extending to approximately 15.962ha
- 1.2. The red line site area also includes access to the site meaning that the adopted highway of Charlotte Avenue and Braeburn Avenue are also included within the red line which would be utilised as existing accesses. Both roads are currently not adopted.
- 1.3. The site is characterised as predominantly grassland with fields bounded by hedges with some large trees, woodland and plantation, and is classified as good to moderate value (primarily Grade 3b) under the Agricultural Land Classification system. The west of the Site contains two distinct areas of woodland, and the most northern area of woodland contains a dry pond. There is a historic hedgerow which runs along the north-eastern border of the Site.
- 1.4. To the west and south are principally other areas of the site allocation for North West Bicester Eco-Town which are generally included within the site subject to consideration currently – 21/04275/OUT. Bucknell sits to the west of the site.
- 1.5. To the southeast is the Home Farm Farmhouse complex which also contains various business uses. Caversfield is further beyond to the southeast.
- 1.6. The A4095 and residential areas on the southern side of this road as part of Bicester are to the south.
- 1.7. To the east is the exemplar development as part of NorthWest Bicester Eco Town and beyond this the B4100 and St Lawrence Church. Other elements of the first phases of the Eco Town which include Elmsbrook Forest School and Gagle Brook Primary School, an Eco Business Centre and a community hall which is currently under construction are also located to the south of the application site with residential properties off Charlotte Avenue.
- 1.8. To the north, beyond the application site, is Caversfield House and then agricultural fields which are outside the current allocation.
- 1.9. The Site is undulating rising gradually to the north west with boundaries principally hedgerows which comprise a range of species and quality. The site includes the existing woodland (to be retained as part of the proposals). The highest elevation in the western parcel is approximately 92 m above ordinance datum (AOD) towards the north and the lowest elevation is approximately 85 m AOD to the south east. The eastern parcel slopes in a south easterly direction with ground levels falling from approximately 91 m AOD to approximately 83 m AOD.

## **2. CONSTRAINTS**

- 2.1. The application site is within the North West Bicester Allocated Housing site. There are watercourses running through the south of the western parcel and in a north south direction to the east of the eastern parcel and this area also comprises areas of flood

zones 2 and 3. The Grade II\* listed Church of St Lawrence is situated to the north east and the Grade II listed Home Farmhouse to the east. The land has some potential for ecology and is potentially contaminated. A public right of way is located to the north of the site running in an east-west orientation. Assessments with regard to each of these constraints are contained within the appraisal of this report.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. For an outline planning application where EIA is required, the description of the development must be sufficient to enable the requirements of the EIA Regulations to be fulfilled, and in particular, to enable the potential significant effects of the development to be identified.
- 3.2. The Development comprises up to 530 residential units (Use Class C3). The range of residential accommodation within the Development may extend from one-bedroom apartments to five bed roomed detached houses, and all formats in between and will include private and affordable homes.
- 3.3. The application is made in outline with all matters reserved apart from access. Details are provided for the four main vehicular access points. The applicant has submitted a series of 'Development Parameters' for assessment which outline the areas for built development and maximum building heights, green space and access (beyond the main access points). An outline planning application is a common application type, particularly for major development proposals. It allows for a decision on the general principles of how a site can be developed with this followed by the requirement for one or more 'reserved matters' should outline permission be granted.
- 3.4. The applicant submits that the Development Parameters detail all the limits necessary to define and fix those aspects of a development capable of having significant environmental effects. This will enable planning conditions to be drawn up and agreed to control the implementation of the Development.
- 3.5. The Development Parameters (updated by the applicant on 16 December 2022) are considered by the applicant to include:
  - Location Plan (ref: 1190-001 Rev J)
  - the location and types of land use including access; and
  - the maximum heights of development as maximum metres Above Ordnance Datum (AOD).
  - the parameter plans – these being:
    - Development Parameter Plan 1: Maximum building heights and footprint (ref: 1192-003 Rev N)
    - Development Parameter Plan 2: Green Space (ref: 1192-003 Rev N)
    - Development Parameter Plan 3: Access and Movement (ref: 1192-003 Rev M)
- 3.6. The majority of the Development will be up to 12m above ground level however parts (primarily at the area in the centre of the site on the principal access road) will comprise buildings with a maximum height of 14 metres above ground level (up to three storeys). Ground levels at the Site are not expected to require extensive remodelling and therefore a 2m variation has been included on the submitted building heights and footprint parameter plan. The applicant considers that taller buildings along the public transport route of Braeburn Avenue in the context of the framework

masterplan to increase density and meet the perceived and expected requirements of occupiers in these locations would be appropriate.

- 3.7. Access will be provided into the eastern and western parcel of the Development from four highway connection points, as shown on the submitted plans from existing roads serving Elmsbrook. Pedestrian and cycle connections will be provided at each of the vehicular access points and opportunities for additional connections are allowed for. Safe and attractive environments for walking and cycling will be provided to encourage local journeys to be made sustainably.
- 3.8. The Development includes greenspace as shown on the submitted Green space Parameter Plan. It is stated by the applicant that green space, including retained vegetation, buffers and the landscape and visual mitigation zone will comprise a minimum of 40% of the Site area when the Development is complete. The greenspace is stated to include private gardens (albeit these would be in addition to the 40% requirement), landscaping, and structural planting; drainage; ecological and natural areas; parkland; formal and informal recreation areas; orchards and edible landscapes; allotments; equipped and non-equipped play areas; wetlands and watercourses, water features; flood risk management areas; and natural areas.
- 3.9. In respect of Drainage the applicant notes that the majority of the Site is located within Flood Zone 1 and subsequently at low risk of fluvial and tidal flooding however a small portion of the Site (along the eastern boundary of the eastern parcel) lies within the extents of Flood Zone 2 (at medium risk of flooding) and Flood Zone 3 (at high risk of flooding), associated with Town Brook. The Development Parameters include flood attenuation areas within the green spaces as shown on Multi-Functional Greenspace Parameter Plan. Opportunities for sustainable drainage will be maximised across the Development and the existing topography and proposed landscape corridors provide an opportunity to create a system of swales and ponds to mitigate surface water.
- 3.10. The applicant highlights that the adoption of controlled lighting and implementation of a lighting strategy in accordance with current best practice guidance will ensure that the potential effects on surrounding sensitive receptors from light spill, glare and sky glow are minimised and reduced to an acceptable level.
- 3.11. Finally, the applicant proposes that the Development will provide sustainable transport facilities within walking distance and pedestrian and cycling routes that connect to local facilities and will promote sustainable living. A modal shift towards active travel and more sustainable modes would reduce the emissions of greenhouse gases that might otherwise be the case, helping to mitigate climate change.
- 3.12. The applicant has assessed the following energy efficiency measures, which would also help mitigate climate change: use of air source heat pumps, solar arrays on-site and either off-site solar arrays or carbon offsetting. The actual proposals for this scheme are considered in further detail in the appraisal section of this report.
- 3.13. It is also submitted by the applicant that the Development includes measures to increase adaptation to climate change. The applicant submits that the Development will include Sustainable Drainage Systems (SuDS) and water efficiency measures to reduce consumption and will include new planting that will provide natural cooling and channel surface water runoff. Buildings will be designed to adapt to climate extremes by reducing water consumption and reducing overheating and improving ventilation.
- 3.14. *Timescales for Delivery.* Development is anticipated to commence as soon as practicable (at the time of submission in May 2021 this was early 2022) subject to gaining planning permission, but the development would be expected by the applicant to have been completed within five years from the granting of planning permission.

#### 4. RELEVANT PLANNING HISTORY

4.1. The following planning history is considered relevant to the current proposal:

##### **The site itself has been subject to applications previously:**

*Land North and Adjoining Home Farm Banbury Road B4100 Caversfield (the eastern parcel of the current application site):*

- 18/00484/OUT - Outline planning permission for up to 75 homes, pedestrian and cycle routes, creation of new access point from Charlotte Avenue, provision of open space, play space, allotments, orchard, parking, and associated works. **WITHDRAWN**

*Land to the North of the railway line and south of Elmsbrook (the application site extended to 154.5ha and included the two western fields which form the western parcel of the current application site):*

- 14/01384/OUT - Development comprising redevelopment to provide up to 2600 residential dwellings (Class C3), commercial floorspace (Class A1 - A5, B1 and B2), social and community facilities (Class D1), land to accommodate one energy centre, land to accommodate one new primary school (Up to 2FE) (Class D1) and land to accommodate the extension of the primary school permitted pursuant to application (reference 10/01780/HYBRID). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure, ancillary engineering, and other operations. **WITHDRAWN**

##### **Wider NW Bicester:**

*Bicester Eco Town Exemplar Site (adjacent to the application site):*

- 10/01780/HYBRID - Development of Exemplar phase of NW Bicester Eco Town to secure full planning permission for 393 residential units and an energy centre (up to 400 square metres), means of access, car parking, landscape, amenity space and service infrastructure and outline permission for a nursery of up to 350 square metres (use class D2), a community centre of up to 350 square metres (sui generis), 3 retail units of up to 770 square metres (including but not exclusively a convenience store, a post office and a pharmacy (use class A1)), an Eco-Business Centre of up to 1,800 square metres (use class B1), office accommodation of up to 1,100 square metres (use class B1), an Eco-Pub of up to 190 square metres (use class A4), and a primary school site measuring up to 1.34 hectares with access and layout to be determined. **Approved July 2012.**
- 19/01036/HYBRID - Full permission is sought for Local Centre Community Floorspace (Use Class D1 with ancillary A1/A3), with a total GIA of 552 sqm, and 16 residential units (Use Class C3) with associated access, servicing, landscaping, and parking. Outline consent is sought for Local Centre Retail, Community or Commercial Floorspace (flexible Use Class A1/A2/A3/A4/A5/B1/D1). **Approved July 2021**
- Other applications have also been dealt with at Elmsbrook including an earlier local centre scheme, a full application for the Eco Business Centre and a full application for a re-design and three additional units relating to Phase 4. Various non-material amendment and condition discharge applications have also been made.

### *Proposal for New Highway Aligned with Howes Lane Bicester*

- 14/01968/F Construction of new road from Middleton Stoney Road roundabout to join Lord's Lane, east of Purslane Drive, to include the construction of a new crossing under the existing railway line north of the existing Avonbury Business Park, a bus only link east of the railway line, a new road around Hawkwell Farm to join Bucknell Road, retention of part of Old Howes Lane and Lord's Lane to provide access to and from existing residential areas and Bucknell Road to the south and associated infrastructure  
**Granted August 2019**

### *North of the Railway Line*

- 21/04275/OUT OUTLINE - with all matters reserved except for Access - Mixed Use Development of up to 3,100 dwellings (including extra care); residential and care accommodation(C2); mixed use local centre (comprising commercial, business and service uses, residential uses, C2 uses, local community uses (F2(a) and F2(b)), hot food takeaways, public house, wine bar); employment area (B2, B8, E(g)); learning and non-residential institutions (Class F1) including primary school (plus land to allow extension of existing Gagle Brook primary school); green Infrastructure including formal (including playing fields) and informal open space, allotments, landscape, biodiversity and amenity space; burial ground; play space (including Neaps/Leaps/MUGA); changing facilities; ground mounted photovoltaic arrays; sustainable drainage systems; movement network comprising new highway, cycle and pedestrian routes and access from highway network; car parking; infrastructure (including utilities); engineering works (including ground modelling); demolition **PENDING CONSIDERATION** – this site provides for the remaining land that formed part of application 14/01384/OUT to the North of the railway line plus additional land.

### *South of the Railway Line*

- 14/01641/OUT Outline Application - To provide up to 900 residential dwellings (Class C3), commercial floor space (Class A1-A5, B1 and B2), leisure facilities (Class D2), social and community facilities (Class D1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2 FE) (Class D1), secondary school up to 8 FE (Class D1). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure, ancillary engineering and other operations **PENDING BUT NOT ACTIVE**
- 14/01675/OUT as varied by 19/00347/OUT and 20/03199/OUT Permitted:
- Minor material amendment to planning permission 14/01675/OUT to vary conditions 6, 7, 8, 9 and 10 to refer to updated parameter plans and temporary access plan; variation of condition 14 to enable delivery of employment development in full in advance of strategic link road; and deletion of condition 20 to reflect removal of temporary access onto Howes Lane (Outline reference number 14/01675/OUT, granted at Appeal - Ref: APP/C3105/W/16/3163551 for the erection of up to 53,000 sqm of floor space to be for B1, B2 and B8 (use classes) employment provision within two employment zones covering an area of 9.45 ha; parking and service areas to serve the employment zones; a new access off the Middleton Stoney Road (B4030); temporary access off Howes Lane pending the delivery of the realigned Howes Lane; 4.5 ha of residential land; internal roads, paths and cycleways; landscaping including strategic green infrastructure (G1); provision of sustainable urban systems

(SUDS) incorporating landscaped areas with balancing ponds and swales; associated utilities and infrastructure).

- Applications pursuant to this: Reserved matters 19/00349/REM (completed) and 20/02454/REM (approved December 2020).
- 21/03177/F Full planning application for employment development (Use Classes E(g)(iii), B2 and/or B8) comprising 5 units within 3 buildings and associated parking and servicing, landscaping and associated works  
**REFUSED – APPEAL ALLOWED**
- 14/02121/OUT OUTLINE - Development to provide up to 1,700 residential dwellings (Class C3), a retirement village (Class C2), flexible commercial floorspace (Classes A1, A2, A3, A4, A5, B1, C1 and D1), social and community facilities (Class D1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2FE) (Class D1). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure and other operations (including demolition of farm buildings on Middleton Stoney Road)  
**GRANTED JANUARY 2020.**

4.2 As part of an Environmental Statement the level of development and surrounding committed developments have been agreed as part of the scoping exercise. This forms part of the Environmental Statement.

## 5. PRE-APPLICATION DISCUSSIONS

5.1. The Applicant and their team have had pre-application discussions with Officers in respect of this submission. The Applicant and their team met with the Council in November 2020, and again in February 2021, following initial pre-app discussions which started in late 2019. Further to these discussions, the Council has provided the Applicant with formal pre-application advice. This pre-application discussion included Oxfordshire County Council as Highways Authority. As set out by the applicant in their planning statement, advice has included:

- i. Careful consideration to be given to the relationship of residential development in the Eastern Parcel to both Home Farm and to St Lawrence Church – particularly the views to the latter;
- ii. In relation to the rural edge of the Western Parcel, to consider whether this could be a softer edge;
- iii. Would like to understand more about the different character areas identified across the site within the planning submission;
- iv. Where proposed links are identified between the Site and the Exemplar development, these should be explained, and shown on the relevant Parameter Plan – both vehicular and pedestrian;
- v. Parking should be provided for any allotment plots;
- vi. There should be greater clarity on the extent of the maximum building heights and footprint for development within the Parameters, and the view to the Church should be defined further;
- vii. There will be a requirement for a crossing on the B4100 to the Church, as was proposed through the Home Farm application;
- viii. The proposals for regional based SuDS on the edge of the development with minimal swales is not considered to be in line with current guidance and best practice, with the expectation being that surface water drainage would be

managed in a number of small catchments attenuation features throughout the site. The proposed drainage scheme should mimic the existing drainage regime of the site;

- ix. Consideration should be given to how the edges of the site close to Home Farm and the Church are handled including with regard to materials;
- x. The site is not expected to provide employment opportunities, but should consider accessibility and home working opportunities;
- xi. A Health Impact Assessment should be submitted with the OPA;
- xii. A biodiversity impact assessment tool should be used, with CDC seeking a net gain of 10% for biodiversity as a minimum;
- xiii. The SPD identifies that if it is not possible to mitigate for farmland birds on-site then off-site mitigation is required via a financial contribution;
- xiv. 30% affordable housing must be provided with 70%/30% split (social rented/shared ownership) – with an indicative mix given, subject to confirmation during the application process;
- xv. Policy BCS4 of the adopted Local Plan Part 1 (2011-2031) for the housing mix for market housing; and
- xvi. A CEMP, and a Noise Report demonstrating the habitable rooms within dwellings will achieve the noise levels specified in British Standards, will be required.

Guidance was also provided on the S106 required Heads of Terms.

## **6. RESPONSE TO PUBLICITY**

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for public comments was **07 May 2022** (with respect to public consultation), although comments received after this date and before finalising this report have also been taken into account. The final date following a re-consultation with consultees for comments was the **15 January 2023**.

A total of 204 letters of objection and 12 general comments have been received from residents of the existing Eco-Town, the surrounding areas, including Caversfield, and residents' groups such as Elmsbook Community Organisation, Bicester Residents Group, Elmsbrook Traffic & Parking Group and St Lawrence District Church Council. Gagle Brook Primary School have also written in objection. It should be noted that some residents and groups have written more than once to the application and additional information that has been submitted during the course of the application. The comments raised by third parties are summarised as follows:

### Principle of Development

- The growth and expansion of Bicester has become too great with too many houses
- Existing facilities cannot cope (e.g. schools, doctors, youth club)
- Bought a house with the promise that the fields would remain fields.

### Transport

### Traffic Impact



- Accuracy of the transport model and the availability of more accurate data should be considered
- Traffic levels have been underestimated and should use data from surveys carried out in September 2021 and there should be co-ordination between data collected from other sources (e.g. residents' data)
- Covid pandemic has skewed transport data
- At peak times it is difficult to exit Elmsbrook onto the B4100 especially towards Bicester. This results in pollution. Traffic lights at the junction may not resolve the issues.
- The lorries and other vehicles that will access the site as well as other building sites will impact the roads, houses and the conditions lived in.
- The transport impact of the development is incorrect:
  - The model used is questioned.
  - Traffic surveys and monitoring show the original model underestimated trips.
  - Illogical conclusions around the new development compared to Elmsbrook
  - Anomalies due to the construction rate at Elmsbrook
  - There is no modelling of 'bottle necks' on Elmsbrook (see below for more detail).
  - There are existing issues with school parking at Elmsbrook. There is a risk to pupils.
  - Charlotte and Braeburn Avenues will not be able to cope. Queue lengths are already around what is predicted for 2031.
  - Dangerous for the parking area at the entrance to the eastern parcel.
  - Issues with the existing road system on Elmsbrook (see below for more detail).
- Impact of construction traffic and these potentially going past schools and houses
- General lack of parking on the Eco-Town
- Other parts of the network will be impacted upon beyond the issues raised in Transport Technical Notes

#### Pedestrian and cycling

- Impact on school safety and people walking to school
- The development does not provide for sustainable transport routes to ensure the minimum 50% active travel target can be met – the footpath from the B4100 to Bucknell does not connect to the proposed development or Elmsbrook.
- Concern over links shown into Wintergreen Fields and Caraway Fields as they do not link to existing footpath routes.
- How will the homes be heated? If they do not intend to use the heat network then impact on existing services needs consideration.
- Services is an issue. Heating and hot water costs are greater than elsewhere in Bicester.
- The Western parcel of land has no pedestrian cycle connections to the west of the road connection and this is a missed opportunity.
- Crossing to the western parcel for construction traffic is of concern. An alternative should be found not to use Charlotte Avenue.

- Access to Caversfield via Fringford Road does not have adequate cycle provision so it is not a safe option. Suggestions made regarding Aunt Em's Lane and how this might enable more connections.

#### Public Transport

- The site intends to make use of the existing sustainable measures on Elmsbrook.
- It is unrealistic to assume people will walk or cycle to local services on Bure Park. Local services should be built as part of the site.
- A bus only section is present on Elmsbrook but this is abused. This issue will become more severe with access proposed either side of the link. Enforcement measures should be put in place.
- The car club referenced is no longer running. This would be a welcome addition.

#### Suitability of the Exemplar Phase Spine road

- Why have the critical points regarding the traffic impact analysis of Elmsbrook roads, which are supported by traffic survey information and mathematical analyses not been addressed?
- Concern that only the 4.1m narrowing to the north of the school has been considered rather than the narrowings to the bridge at the south
- The OCC Transport response summarised relates only to the A4095.
- There is no mention of transport/ traffic impacts in the 'key issues for consideration' at paragraph 9.1.
- Paragraph 9.94 discusses Charlotte Avenue and the narrowing north of the school but this does not consider the bottlenecks south east of the school where the greater volume of traffic actually flows.
- It is incorrect to assume that all children will arrived on foot within the eco-town to the school. When trips are calculated using the original trip targets for the school, the peak trips will be slightly higher than they are now.
- The Transport Assessment/ traffic analysis documentation uses COVID as an excuse to have not undertaken a traffic survey on Elmsbrook. There have been multiple surveys done, immediately prior to covid and since, in July 2021. A further survey was undertaken in September 2021. This is ignored and provides a way to assess the accuracy of the simulation data.
- Have the figures in the applicant's technical notes been fully checked to confirm accuracy/ validity? It is considered that there remain errors.
- The development to the south could involve a car link through into Elmsbrook.
- Even if the applicant's information is relied on only, the best case RFC for the Charlotte Avenue junction is 0.87. This exceeds 0.85 which was a 'hard and fast' limit set out at Graven Hill. Allowing this would be inconsistent with decisions made elsewhere.
- By ignoring traffic surveys completely, the Council is opening itself up to a Judicial Review.
- The traffic surveys show that 60% targets are not being met by vehicle trips – they are being met by petrol/ diesel vehicles but Elmsbrook has a high percentage of electric vehicles. In any event there are vehicular trips because the site does not have everyday services such as a local centre, GP, pub etc and the nearest local ones are beyond walking distance for elderly residents etc. No additional facilities are proposed and so the same will be true for their site. The inputs to the Transport Model are vastly underestimated where they are not informed by true flows from local traffic surveys.
- The conclusions reached regarding Braeburn Avenue are illogical including the impact at the junction and the smaller feeder roads.

- The group wish for the Ecotown to grow but not at the expense of the road network to be ruined, especially when there are proposed easy solutions. These would also reduce the pollution created by vehicles. There would be a severe transport impact. A simple solution would be to provide an entrance to the eastern parcel from the B4100.

#### Bicester Eco Town

- The proposals in not meeting the Eco-Town principles, ignore the climate crisis
- The proposal does not meet the requirements of the NW Bicester Masterplan or the Bicester LCWIP.
- Other parcels of land within the Eco Town are currently subject to pending and approved planning applications where the true zero-carbon requirement is respected
- Loss of the green buffer and green spaces shown within the masterplan
- Development profit being prioritised over meeting Eco-Town standards
- The proposals on the Eastern parcel of land were not part of the original NW Bicester Masterplan and these will impact Charlotte Avenue. This parcel should be accessed from the B4100 with walking/ cycle points provided to Elmsbrook to encourage active travel. Construction access is proposed here. Why can it not be permanent?
- Concerned regarding the proximity to Elmsbrook and the density.
- Gas CHP would not be an environmentally friendly option.
- The developer indicated that they were working to use the Ecotowns existing District Heating System, however it seems this is not the case giving flawed arguments regarding the environmental benefits of heat pumps in comparison. The DHS is designed for 1200 homes with operation break-even at 900 homes. It currently only serves 300 homes.
- It is critical that the Firethorn homes connect to this system meaning the design efficiencies of scale and the environmental benefits can be realised.
- Housing not in keeping with the existing housing built on Eco-Town
- Overdevelopment of the site at a cost of green space
- The proposals do not meet the 40% green infrastructure requirement due to the loss of planned green space

#### Development Viability

- The viability assessment demonstrates that the proposed development is profitable, just not as much as the developer would like it to be
- There are logical flaws in the costings
- Developer profit is being prioritised over the Eco-Town principles
- Land values appear to be high
- Sales values appear to be overly pessimistic
- Eco-Town credentials have a higher sales value and this should be considered
- Development profit should not be accepted.
- If the developer cannot present a viable economic proposal for this land, rather than allow one specific part of the Eco Town to be built in breach of the zero-carbon requirement, it may be appropriate to wait for new construction and energy technology, which would be more efficient and less costly, as there has been rapid progress in this area

- The fact that the applicant, with a much less complex proposed development and without these additional costs, argues that it is not economically viable, while other developers proceed with more complex projects that comply with the environmental requirements, seem to indicate that the applicant has not demonstrated the skills, experience and knowledge required to prepare a proposal that is viable.

#### Wildlife

- General loss of greenery and habitats
- Impact on species through the loss of the green space and trees
- Inadequate space for wildlife due to the overdevelopment of the site

#### St Lawrence Church

- Loss of the Green Buffer shown in the masterplan would impact on the landscape and setting of the Church
- The Church, Home Farmhouse and Caverfield House should be considered cumulatively.
- Impact on the approach and the tower of the Church which is visible to the local landscape
- Archaeology should be carried out based on a precautionary approach
- Need for car parking for church goers.
- There is a need for a crossing to the Church but in the right position
- There is good consideration to providing a sightline to St Lawrence's Church but it remains inaccessible with no crossing or pathway.

#### Public Health

- Number of cars this will generate is of concern in terms of pollution and respiratory issues.
- Proposals will impact on the health and wellbeing of existing residents

#### Other

- Drainage – the current system cannot take more load, this requires more clarification.
- Thames Water response does not address issues drainage or waste water or capacity of services in the long term or beyond 49th dwelling.
- Service charges will go up as the population increased with the implications that will bring.

All representations are available via the Council's public access system. At the time of writing this report no other consultation responses have been received. Any additional responses received will be reported to members verbally or in the form of a late paper, subject to the date of receipt.

In assessing the proposal due regard has been given to local resident's comments as material planning considerations. Nevertheless, decisions should not be made solely on the basis of the number of representations, whether they are for or against a proposal. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission unless it is founded on valid planning reasons

## 7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. CAVERSFIELD PARISH COUNCIL: While the larger western 'block' of units did not have a visual impact on the village, the use of the field nearest the B4100 and therefore nearest Caversfield has caused concern. This is primarily because of the erosion of the "green buffer zone" between Bicester / the EcoTown and the Category C village of Caversfield and the detriment it would have on the village.

Secondly, the setting of the Grade II\* listed church and Grade II Listed farm house (Home Farm) would be greatly affected by the development. There is a historic link between Home Farm, the Church (including the WWII Commonwealth War Graves), Caversfield House and grounds, the land of South Lodge Riding Stables which had already been recognised by Planning Inspector David Nicholson on 27 May 2014 to be of significant import as part of the wider setting, together with the RAF Conservation Area within Caversfield.

As the Planning Inspector said in his report regarding the proposed development on land at South Lodge Riding Stables located just over the road from the current proposal, (reference APP/C3105/A/13/2208385) the main issues on which he rejected the proposal were that:

- (a) the character and appearance of the area with particular regard to the built up limits of Bicester and Caversfield, the proposed green buffer gap [which included the area of land of this current proposal] between the planned expansion of Bicester and Caversfield, and housing land supply;
- (b) the surrounding landscape;
- (c) the setting of the RAF Bicester Conservation area;
- (d) the setting of adjacent listed buildings / heritage assets;
- (e) the quality of design. The majority of the points above are as relevant to this current proposal as they were to the South Lodge proposal.

The Council believes that development is likely to:

- harm the historic value of the landscape;
- cause undue harm to important natural landscape features and topography;
- have an impact on an area which currently has a high level of tranquillity and
- harm the setting of settlements, buildings, structures and other landmark features of historical importance.

No mention has been made in the plans of promoting access to the Church or ways to assist the Church in embracing the new development.

The more general impact of the traffic on the area was also of great concern. Parents of children who live in Caversfield and attend the catchment school – Gagle Brook – already have great difficulties delivering and collecting their children from school –

some of whom have no option but to do so by car as it is simply too far to walk. It does not appear that the traffic model is the most up-to-date and is missing major developments. It also does not appear to take into account the 'pinch points' on the current development – the two by the park on Phase 2 and one by the larger park on Phase 3. The impact of these points together with the parking issues by the school are likely to greatly affect the surrounding roads including the B4100. The cycle routes proposed on the existing road structure are also not adequate.

If the Council were minded to approve the development, S106 / CIL funds should be allocated to:

- the E1 bus service in order that it can be fit for purpose (it should run on Sundays and beyond 7pm in the evenings) and should be maintained through Caversfield
  - the Church in order that improvements to the access along the B4100 and within the Church curtilage can be made.
- On the 11 January 2023, Caversfield Parish Council confirmed they had no further comments beyond those made within the original response made in August 2021.
- 7.3. BICESTER TOWN COUNCIL: observations – BTC commented that this could be a chance for the developers to use the wild space and ponding to mitigate flooding which currently occurs in this area.
- 7.4. BUCKNELL PARISH COUNCIL have objected to the development. They comment:
- The proposed development enters the boundary of Bucknell encroaching further into the open countryside and will erode the rural character of Bucknell.
  - The village is already threatened by proposed residential developments from Bicester towards Bucknell and industrial and commercial developments from the north and east which cumulatively threaten the rural character of an historic village.
  - There will be additional traffic through the village of Bucknell and will cause additional safety concerns for families with children and elderly residents.
  - There has been no engagement from the developer or opportunity to input into proposals prior to this stage.

### CONSULTEES

- 7.5. CDC DESIGN AND CONSERVATION: There are two heritage assets which lie within close proximity to the proposed development, which will impact on their setting. Home Farmhouse is a grade II listed building and the site forms part of the original agricultural landholding associated with the farmhouse. St Laurence's Church is an isolated rural church and a grade II\* listed building. The church is separated from the site by the main road (B4100).

Earlier versions of the masterplan for the site show a larger indicative 'buffer' area to mitigate the impact on the setting of the grade II\* listed building of St Laurence Church and grade II Home Farmhouse. The buffer area shown as part of the outline permission is reduced. The precise dimensions of the buffer zone are considered to be less significant than the role it plays in mitigating the impact on the heritage assets.

The majority of open space between the listed building of Home Farm and the development is provided by land outside the site boundary. The buffer zone associated with the development is provided to the frontage of the site and creates a sense of openness between Home Farm and St Lawrence's church, retaining a small element of the historic landscape which once existed. The treatment of this area will

be crucial in retaining this element of the significance of the site. It will be important that this area remains as natural and open as possible. There are concerns about locating the play area in this location and if there are no alternative locations this will need to be carefully designed to minimise impact to the setting of the heritage assets.

The Heritage Enhancement Zone, which provides a view corridor to St Lawrence's church is noted. This is considered to be positive, but further details will be required in a reserved matters application about how this will be achieved in practice.

Residential development in the rural setting of heritage assets (in this case a farmhouse and isolated rural church) will inevitably have a harmful impact. In this case the harm is considered to be less than substantial and it is considered that sufficient mitigation has been put in place to minimise the harm.

There is considered to be a public benefit to outweigh this harm as the site has been formally allocated for part of the housing allocation for the district.

There are concerns with the form and location of the proposed pelican crossing immediately adjacent to St Lawrence's Church. This was addressed in an earlier application (18/00484/OUT)

'The proposal for a signalised pedestrian crossing will have a direct, negative impact on the rural setting of the church immediately adjacent to the existing church gate. This will clearly negate the positive aspects of the development including the proposal to have a specific vista within the housing development towards St Laurence Church.

A signalised pedestrian crossing immediately opposite the church is not considered to provide sufficient mitigation for the level of harm caused. If a signalised pedestrian crossing is the only option available it will be necessary to review the proposed location of the crossing away from its current position in close proximity to the gated access to the church'.

It is appreciated that there is a public benefit to provide access to the existing church building, which should lead to greater use of the building, but there is harm to the visual amenity and setting of the building.

Consideration should be given to an alternative location for the crossing or if this is not possible a less visually intrusive form of crossing – making use of differing road / pavement textures and surfaces.

There is a high level of harm to the setting of listed building of St Lawrence's Church (it is considered to be significant, but less than substantial). It is acknowledged that there is a public benefit to St Lawrence's Church (as it will be made more accessible for people living in the development).

- 7.6. CDC LAND DRAINAGE: Flood Risk/Surface Water Drainage. No further comments at this time. The extent of the development layout and detailed surface water management strategy can only be determined after agreement of the Flood Model. This will determine the limits of the fluvial flood plains and calculate the 1% AEP + 40% Climate Change allowance flood levels through the site.
- 7.7. CDC HOUSING: The outline planning application seeks approval for residential development with all matters reserved except for access. The planning application form indicates that the proposed development will comprise of 530 dwellings of which there will be 371 market dwellings and 111 (approx. 70%) social or affordable rent and 48 (approx. 30%) affordable home ownership dwellings. The accompanying Affordable Housing Statement (dated 21 April 2021 – prepared by Pioneer Property

Services Ltd), sets out that achieving 30% affordable housing on this site will be challenging but goes on to suggest that subject to viability testing, there will be 30% affordable housing split as 50% Affordable Rent and 50% Intermediate Housing. The AH Statement provides an indicative affordable housing dwelling mix but sets out that this mix is subject to viability and further discussion with the District Council.

- 7.8. CDC ECOLOGY: The submitted metric and biodiversity impact assessment is generally fine and shows that at a least a 10% net gain in habitats and hedgerows is likely to be achievable. However it is stated that this is not based on the latest layouts and so an updated BIA will be required as layouts are finalised. Any condition to this effect must specify that at least a 10% net gain for biodiversity (as measured by a recognised metric) needs to be achieved on site. As regards the off site farmland bird contribution I do not agree that no contribution is necessary here. This aspect is clearly stated in the SPD and requires all developments within the masterplan area to contribute. This is to help ameliorate the cumulative impact on farmland birds from the whole area of the masterplan - not necessarily to directly mitigate on an individual basis for each patch. The other measures are fine to be included in CEMP, LEMP etc.. though as per my previous comments it should be noted that we would be looking for a minimum of the equivalent of one nesting/roosting provision per dwelling (they don't mention numbers in their text). I could not find any additional submitted information on Great Crested Newts. The Newt Officers comments outlined the options which are either to apply for a district licence prior to determination or show that GCN have been properly accounted for on site (currently the information within the PEA is lacking in terms of ruling out impacts on GCN). The Newt officers comments make this clear in the summary and so more information is required on this for us to fulfil our duties in this regard and to ensure no offence is committed.
- 7.9. CDC ECOLOGY: Following further consideration on this matter, the CDC Ecologist has confirmed that she does not object to conditioning additional GCN surveys in the way suggested by the applicant pre-commencement. Concern remains that should the large waterbody to the East not be able to be surveyed, that we may need to assume GCN presence and they may then need to potentially obtain a licence which may be difficult to do but there is plenty of scope for mitigation on site.
- 7.10. CDC NEWT OFFICER: GCN are present in the local landscape, as indicated by existing records and the Impact Risk Zone mapping for the area. Clusters of breeding and non-breeding ponds are important features for maintaining a population of GCN (providing opportunities for adult newts to breed as well as foraging and sheltering habitat for juvenile and non-breeding adults); therefore a single negative eDNA result from only one of the ponds is not sufficient to rule out the potential for impacts on GCN arising through this development. Because there is a District Licensing Scheme in operation in this area, the developer has two options – either: - Provide an updated ecological assessment of the site and surrounding landscape to further assess the likely presence/absence of GCN; or - Submit a Nature Space Report/Certificate to confirm the proposed development is capable of being covered by the Council's District Licence and the applicant has entered the District Licensing Scheme. Natural England's guidance to LPAs (Great Crested Newts: District Level Licensing for development projects, Natural England, March 2021) explains that in the red/amber impact risk zone, if the developer has not provided a Nature Space Report/Certificate, the applicant must provide further information to either rule out impacts to GCN, or present further work (including surveys) to assess those impacts and present measures to address those impacts, with appropriate mitigation and compensatory measures. This is to demonstrate to the planning authority that the proposed measures are capable of being granted a licence. If the developer chooses to carry out further survey work, the following should be noted: - The development site contains favourable habitat and considering the size of the site and the potential impact on the population's range and connectivity of the landscape, all ponds on-site



and within 500m (not 250m) should be considered for survey and assessment (following guidance set out within Natural England's Method Statement template – contrary to the assertion in the submitted Preliminary baseline ecological appraisal, chapter 2.3.18: Great Crested Newt Habitat Suitability Index (HSI)). - No supporting documentation was submitted with the application in relation to the one pond that was subject to an eDNA survey. This data should be submitted along with any updated ecological assessment for this application.

- 7.11. LANDSCAPE OFFICER: Generally agree with the findings of the LVIA. Because we are relying on the establishment of the structural vegetation of the northern boundary to provide visual mitigation it would be appropriate that this planting is done at the earliest opportunity during the forthcoming planting season, and the developer to maintain and establish it as construction commences.

Play Area Flood Risk 2 As discussed, in respect of play area ref. 04 far southern extremity of the western parcel shown on the illustrative masterplan, it appears that the play area may be subject to flooding in 1:1000 event - refer to Flood Risk Assessment. As such events become more prevalent, this will mean the play area is unusable, a risk to children's health, and subject to cleaning and repairs before it is ready for it to be used again. The play area should be relocated away from the flood zone to avoid these problems.

The DAS indicates the area of minimum natural green space required under Policy BSC 11: Local Standards of Provision- Outdoor Recreation Table 7. The retention of woodland and hedgerows and their green buffers within the context of the development design layout more than meets the open space requirement for this development and positively contributes to the acknowledged 40% green infrastructure of the Ecotown as a whole.

530 residential dwellings triggers, in accordance with the above policy, LAPs, LEAPs, NEAPs and MUGA. The LAP and LEAP are to be located 400 m from the farthest extent of dwellings. The NEAP and MUGA 1200 m from the farthest dwelling. There is already a MUGA built in phase 2 of the Exemplar which is within 1200 m walking distance. It is deemed unnecessary to have another MUGA because this complies with the original Ecotown Masterplan. The play areas within the western parcel meet the 400 m walking requirement and 3 play area locations are appropriate except for the play area location which may flood – refer above – this play area should be relocated.

The 2 play areas in the eastern parcel is also within the 400 m walking distance requirement. The southern-most play area should be a NEAP for older children and this will be within the 1200 m for dwelling on the extremity i.e. the western parcel.

The western parcel's central square play area is a LAP close to housing for accessibility for 2 - 6 years, parents and carers and allows for good surveillance.

The play area in the woodland is not covered by adequate surveillance. This play area may have a social behavioural problem associated with it, especially if the older children are unaccompanied by adults. I recommend an enhanced LEAP with additional area and challenging play equipment for 4 to 8 year old children within an area of 400 + sq metres of play activity, depending on the landscape context.

The western play area near the 'new' structural landscape/site boundary should be a LEAP to ensure the provision for 4 to 8 year olds.

Commuted sums for 15 year landscape maintenance, subject to indexation are sought.

#### 7.12. CDC ENVIRONMENTAL PROTECTION:

Noise – the contents and conclusions of the noise report are agreed. Further details of the glazing and ventilation strategy and a construction management plan should be agreed with the LPA at the detailed design stage

Contaminated Land – The contents and recommendations of the submitted reports are agreed and further work, along with basic radon protection measures should be sought by condition.

Air Quality – The contents of the AQ report are satisfactory. A condition relating to EV charging should be imposed.

Odour – No comments

Light – Details of a lighting scheme should be agreed.

#### 7.13. OCC HIGHWAYS: The development traffic assumed in TN011 is consistent with the revised development traffic distribution, and having re-read TN008 Rev B, I now see that the disparity in queue lengths is because the previous, longer queue related to the earlier surveys which were not carried out on a typical day, whereas the shorter queue related to the repeat surveys carried out in July. A larger adjustment was required to the Junctions 10 model to calibrate it to the July surveys. Therefore I now accept that the predictions of queue length in delay in TN011 are reasonable.

The results show that in the worst case delay would increase by 50% from 6 to 9 minutes average delay per vehicle through the critical junction, comparing the situation in 2026 with and without the development. (This compares to earlier predictions of delays of up to 17 minutes.) In the context of an increasingly urban setting, drivers will become accustomed to congestion on all routes into and around Bicester by 2026, where they may face similar delays. Whilst there is no definition of what constitutes a 'severe' impact, a doubling of delay would in my opinion be severe and even an increase to 9 minutes could be seen as unreasonable. However, although there is currently no certainty of the A4095 realignment being delivered via external funding, there are current development proposals on the land required for the scheme, which means the land can potentially be safeguarded and there is some likelihood of the road eventually being delivered by developers, particularly as the most challenging element of the project, namely the bridge under the railway, has already been delivered.

Therefore although the impact of the development may be felt for many years, it is likely to be temporary, if long-term temporary. As a result I can remove our highway objection on the basis that the traffic impact would not be considered severe, subject to planning obligations and conditions as previously set out (contributions sought towards: improvements to junction of B4100/ Charlotte Avenue, to the junction of B4100/A4095, to the cycle route between the site and town centre/ stations, the improvement of bus services and infrastructure at NW Bicester, to monitoring the travel plan over its life, to new public rights of way and improvements to public rights of way in the vicinity of the site, to local road improvements, to enable the provision of a pedestrian/ cycle bridge over the watercourse into the adjacent site to the west, to the major infrastructure costs (primarily the strategic link road/ A4095 diversion through the NW Bicester allocation), to off site highway works, to enable access arrangements to be secured, to the shared value requirements of Network Rail). Conditions suggested to require a construction traffic management plan, to secure cycle parking, to require travel information packs and a travel plan and to place a restriction on the number of dwellings to be accessed from accesses A and B).

No objections with regard to the access arrangements and provision for cyclists and pedestrians subject to a S106 to secure transport mitigation and planning conditions.

- 7.14. OCC EDUCATION: No objection subject to s106 contributions towards Primary and Early Years, Secondary School and SEN Educational Needs.
- 7.15. OCC WASTE MANAGEMENT: No objection subject to s106 contributions towards the expansion and efficiency of Household Waste Recycling Centres
- 7.16. OCC CHILD SERVICES: No objection subject to s106 contributions towards increased provision at Children's Homes (later confirmed as not being required).
- 7.17. OCC LIBRARY SERVICES: No objection subject to s106 contributions towards Bicester Library including the book stock.
- 7.18. OCC ARCHAEOLOGY: The site is located in an area of archaeological interest as identified by a desk-based assessment, a geophysical survey and a trenched evaluation. These surveys were undertaken as part of a larger development. The geophysical survey and evaluation identified a number of areas of surviving archaeological features including a Neolithic Pit, an area of Bronze Age activity including two possible 'burnt mound' deposits, a number of areas of Iron Age activity and a number of areas of Roman activity. This development will therefore disturb these surviving features and a further programme of archaeological investigation and mitigation will need to be undertaken ahead of any development. An aerial photographic assessment and the geophysical survey has identified a number of rectangular enclosures and other potential archaeological features within this application area which were also confirmed by the evaluation results. These remains are not of such significance to prevent any development, but a further phase of archaeological mitigation will be required ahead of any development of the site. We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition.

Existing storage facilities based in Standlake will not hold capacity to meet the needs of the development. The mechanism for addressing this need will be met through application of a charge set against the m<sup>2</sup> of archaeological finds generated by the development. Work is in hand to assess the potential for extension of the existing building, the capacity that extension would have, and its capital costs. A mechanism for developer contributions would then be applied through the section 106 process.

- 7.19. LEAD LOCAL FLOOD AUTHORITY: No objection to the outline drainage strategy proposed and its principles outlined in the submitted FRA. As stated in the flood risk assessment, we will expect to see numerous SuDS being utilised on site with justifications provided where it cannot be used. When submitting information for detailed design review stage/reserved matters, calculations must comply with the OCC guidance such that 1 in 1, 1 in 30, 1 in 100 is also provided along with 1 in 100 + 40% CC
- 7.20. OCC FIRE SERVICE: Detailed comments with regard to the provision of fire hydrants, service requirements and other aspects of detailed design and water pressure.
- 7.21. NATIONAL HIGHWAYS ENGLAND: In the case of this development proposal, our interest is in the M40, A34 and A43. Having examined the additional information for this planning application, our response remains the same as that dated 23rd November 2021 when we offered a CEMP and Travel Plan conditioned 'No Objection'.
- 7.22. NETWORK RAIL: No comments

7.23. NHS BUCKINGHAMSHIRE, OXFORDSHIRE, BERKSHIRE WEST INTEGRATED CARE BOARD: This PCN area is already under considerable pressure from surrounding planning applications, and this application directly impacts on the ability of these practices to provide primary care services to the increasing population. Primary Care infrastructure is therefore requested to support local plans to have either a new surgery site in the Bicester area, potentially (but not restricted to) Graven Hill site or Kingsmere site, or extension/internal works to Bicester Health Centre. Should these not go ahead for any reason, or in addition to any of the above, the funding will be invested into other capital projects which directly benefit this PCN location and the practices within it. A contribution of £457,920 is therefore sought.

7.24. HISTORIC ENGLAND: On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

7.25. SPORT ENGLAND: Supportive of this proposal therefore does not raise any objections to the granting of planning permission.

7.26. BICESTER BIKE USERS GROUP (BicesterBUG): We welcome the improvements that the applicant has made and the effort invested to address the active travel issues with the original application. However we also note that certain inaccuracies and omissions mean that the application is not up to the standard that would be expected.

General points:

- Segregated paths need to replace shared paths along B4100 between the A4095 and Charlotte Avenue, with horizontal separation (buffers) as per LTN 1/20.
- Access along the Banbury Road into Bicester needs to be improved, particularly around the junction into Lucerne Avenue. Short length of access along Buckingham Road to Bicester North station also needs to be made suitable for cycling.
- The proposed Charlotte Avenue traffic lights need to be made suitable for both pedestrians and cyclists. The crossing should not be staggered, and there should be segregated crossings. The refuge island should also be wide enough for the cycle design vehicle.

7.27. NATURAL ENGLAND: No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutory designated sites and has no objection.

On the 25 January 2023, Natural England confirmed that their previous responses apply equally to this amendment although they made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

7.28. BUILDING CONTROL: No comment at this stage

7.29. THAMES VALLEY POLICE: Disappointed that crime prevention and community safety still has not been considered or addressed within the application at this point. In order to address this concern I ask that a condition relating to secured by design principles be placed upon the applicant should this application be permitted

7.30. ENVIRONMENT AGENCY: The proposed development will be acceptable if conditions are included on the planning permission's decision notice. Without these conditions we would object to the proposal due to its adverse impact on the environment.

### 7.31. THAMES WATER:

- Thames Water has been unable to determine the waste water infrastructure needs of the application. A condition is recommended to ensure that there is sufficient capacity or sufficient capacity can be made for foul water drainage.
- As the application indicates that surface water will not be discharged to the public network, Thames Water has no objection, however approval should be sought from the LLFA.
- This catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and so there is no objection however care needs to be taken in designing networks to ensure they don't surcharge and cause flooding.
- Thames Water have identified that there are capacity constraints with the off site water infrastructure needs to serve the development. Thames Water have identified that some capacity exists within the water network to serve 49 dwellings but that beyond this, upgrades will be needed. An appropriately worded planning condition should be attached to any approval to ensure that development doesn't outpace the delivery of essential infrastructure.
- Advice is provided regarding water mains crossing the site and constraints that arise for built development arising from these and in relation to development within 15m of their underground water assets. Informatives are recommended.

7.32. CPRE: In summary the CPRE believes that clarity is required around how the challenging target of reducing private car usage can be met. CPRE are keen that the final planning application is future proofed, and given the context of the climate emergency, which is more than just reducing carbon emissions, the final planning application should be able to both preserve and enhance the current site's biodiversity.

7.33. Elmsbrook Community Organisation (ECO): Does not directly oppose the planned development adjacent to the Elmsbrook Exemplar site, however we have concerns over certain elements of the proposals including access, density, movement of traffic, suitable sustainable travel provision, visitor parking and drainage.

### 7.34. BIOREGIONAL (CDC ADVISORS ON SUSTAINABILITY):

- The energy strategy does not provide detail on how the True Zero Carbon requirement would be met. Indicative carbon balance information should be presented to provide assurances on this. There should be commitments made around build standards, carbon offsetting.
- The existing energy centre is gas and so any source of heat from natural gas would likely fail to meet Building Regulation requirements.
- No details are provided on how the scheme achieves Building for a Healthy Life
- Water efficiency targets should be set
- There is no mention of real time public transport information/ superfast broadband provision
- Is 40% Green Infrastructure to be provided? Would green roofs be included? Buffer zones from key GI features should be provided. How can areas be multi-functional?
- Reliance of wider Elmsbrook facilities is made. S106 contributions should be secured.
- There is no mention of proposals for the Local Management Organisation.

- There is no mention of how the aspiration to water neutrality will be met/ whether there are opportunities from the Ardley EfW.
- There is no obvious reference to waste targets for construction/ operational phases.
- Sustainability credentials for local sourcing and embodied carbon should be committed to.
- There should be a commitment towards climate change adaptation and assessment of overheating.
- Active travel and details of safe walking routes should be a key part of the scheme and local food growing opportunities to contribute towards a sustainable lifestyle.
- All homes should be within 400m of bus stops. EV charging should be included.
- Properly segregated cycle paths should be included to enable active transport modes.
- A contribution towards offsite provision for farmland birds should be made.
- Parts of the eastern parcel lie within an area identified as green space within the SPD.
- All flood risk mitigation should include appropriate allowance for climate change.
- Further detail on U values could be provided to ensure fabric efficiency is a key part of the scheme.
- The energy statement has considered decentralised energy systems, district heating and the feasibility of on site renewable energy systems that would be deliverable and forms part of the proposed development.

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1: Presumption in Favour of Sustainable Development
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC3: Affordable Housing
- BSC4: Housing Mix
- BSC7: Meeting Education Needs

- BSC8: Securing Health and Well-Being
- BSC9: Public Services and Utilities
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision - Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDS)
- ESD8: Water Resources
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- ESD17: Green Infrastructure
- Bicester 1: North West Bicester Eco-Town
- Policy INF1: Infrastructure

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- TR1 - Transportation funding
- TR7 - Development attracting traffic on minor roads
- TR10 - Heavy Goods vehicle
- C28 – Layout, design and external appearance of new development
- C30 – Design Control
- ENV1 – Development likely to cause detrimental levels of pollution
- ENV12 – Development on contaminated land

#### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Town and Country Planning Act 1990 (as amended)
- The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)
- Environmental Impact Assessment Regulations 2017 (as amended)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006

- Conservation of Habitats and Species Regulations 2017
- DfE - Securing developer contributions for Education - November 2019
- North West Bicester Supplementary Planning Document 2016

## 9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Bicester Eco-Town (North-West Bicester)
- Design, and impact on the character of the area
- Transport
- Density, Space Standards and Housing Mix
- Heritage impact
- Ecology impact
- Trees, Hedgerows and Green Infrastructure
- Drainage and Flood risk
- Ground Conditions, Noise and Air Quality
- Planning Obligations and Viability
- The Environmental Statement
- The Planning Balance and Conclusion

### Principle of Development

#### *Policy Context*

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 (Part 1), the adopted Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford’s Unmet Housing Need, the saved policies of the Cherwell Local Plan 1996 and a number of Neighbourhood Plans.
- 9.3. Paragraph 60 of the NPPF sets out that to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 9.4. Further Paragraph 68 states that planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability.
- 9.5. It is also stated within Paragraph 73 that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). Working with the support of their communities, and with other authorities if appropriate, strategic policy-making



authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way.

- 9.6. Paragraph 73 includes a number of criteria which include that large-scale development should:
- a. consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains;
  - b. ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access;
  - c. set clear expectations for the quality of the places to be created and how this can be maintained (such as by following Garden City principles); and ensure that appropriate tools such as masterplans and design guides or codes are used to secure a variety of well-designed and beautiful homes to meet the needs of different groups in the community.
- 9.7. The Cherwell Local Plan's spatial strategy is to focus most of the growth in the District towards locations within or immediately adjoining the main towns of Banbury and Bicester with limited growth identified in the rural areas but with land allocated at Former RAF Upper Heyford. Policy BSC1 identifies the district wide housing distribution with Bicester identified to accommodate just over 10,000 new homes during the Plan period. Policy ESD1 also identifies that this spatial strategy (in distributing growth to the most sustainable locations as defined by the Plan) is a key part of the measures that will be taken to mitigate the impact of development within the District on climate change. There are 13 strategic allocation sites at Bicester, most for mixed use, residential led development, some for wholly commercial development and some relating to the town centre.
- 9.8. Policy Bicester 1 is an allocation for a new zero carbon, mixed use development including 6,000 homes.

#### *Assessment*

- 9.9. It is recognised that the application proposals are part of the large-scale allocated site as part of the North-West Bicester Eco Town (Policy Bicester 1) and the allocation is supported by the North-West Bicester Supplementary Planning Document.
- 9.10. The SPD sets out that North-West Bicester will be a neighbourhood unlike any other in Bicester - a development that demonstrates the highest levels of sustainability. Residents who move to North-West Bicester will be making a lifestyle choice to live in efficient modern homes built to the highest environmental standards with excellent access to the town centre, public transport and adjoining countryside. The site offers a unique opportunity to bring about a sustainable large-scale development as part of the extension of the existing town with a comprehensive mixed use scheme designed and constructed to the highest environmental standards, bringing a mix of homes, offices, shops and easily accessible open space.
- 9.11. In summary, when fully delivered, North-West Bicester will provide:
- Up to 6,000 "true" zero carbon homes;
  - Employment opportunities providing at least 4,600 new jobs;
  - Up to four primary schools and one secondary school;
  - Forty per cent green space, half of which will be public open space;

- Pedestrian and cycle routes;
- New links under the railway line and to the existing town;
- Local centres to serve the new and existing communities; and
- Integration with existing communities.

9.12. It is clear therefore that the expectation of the policy is to deliver high quality and higher levels of sustainability in construction with this aim being at the core of the policy. The policy and supporting guidance also set out key infrastructure necessary and a co-ordinated approach is outlined through the development of the masterplan within the SPD to ensure a comprehensive development. The remainder of this report sets out the consideration of detailed matters.

#### *Conclusion*

9.13. The NPPF encourages in paragraph 11c) to approve development proposals that accord with an up-to-date development plan without delay.

9.14. Cherwell's housing land supply as reported in the Council's 2021 Annual Monitoring Report (AMR) concluded that the District had a **3.5 year supply** for the next five year period 2022-2027 commencing on 1 April 2022. This is reviewed annually and currently the housing land supply position is calculated as **5.4 year supply** of housing for the period 2022-2027.

9.15. This updated figure was agreed by the Council's Executive on 6 February 2023. This is largely the result of applying the standard method housing need figure of 742 homes per year from 2022 rather than the Local Plan figure of 1,142 from 2011. The paper states at paragraph 3.26, "...economic conditions are challenging and it is important that officers continue to seek Local Plan compliant housing delivery to maintain supply and deliver the district's planned development. Having a five year land supply position does not mean that development allowed for by the Local Plan should halt. Indeed, not progressing planned development considered to be acceptable could undermine the land supply position".

9.16. Notwithstanding the Council's Housing Land Supply position, the proposed development forms part of an allocated site. Continued development on allocated sites will be important to ensure the ongoing delivery of housing to maintain the housing land supply position.

9.17. In principle the application and the associated Environmental Statement is, subject to the consideration of detailed matters within the scope of the outline planning application parameters, considered appropriate as an allocated site for development identified through an up to date Development Plan. Detailed matters in respect of the Development Parameters presented are discussed below.

#### Bicester Eco-Town (North-West Bicester)

##### *Policy Context*

9.18. Policy Bicester 1 sets out the basis for the site allocation in the 2015 Local Plan. Its broad vision is that the development over 390 hectares will be a new zero carbon mixed use development including 6,000 homes will be developed on land identified at North-west Bicester. Planning permission will only be granted for development at North-West Bicester in accordance with a comprehensive masterplan for the whole area to be approved by the Council as part of a North West Bicester Supplementary Planning Document.

9.19. The proposed development generally complies with the Masterplan for NW Bicester apart from the extent of development on the eastern parcel which is addressed further below.

9.20. A key requirement at NW Bicester is to achieve a new zero carbon development. The definition of zero carbon in eco-towns is that over a year the net carbon dioxide emissions from all energy use within the buildings on the eco-town development as a whole are zero or below. This therefore includes unregulated as well as regulated emissions. The SPD and Policy have not specified the way in which development must meet this standard to enable flexibility in approach and to reflect changes that might occur over the life of the development in order to meet the highest standards available at any time.

9.21. Policies ESD2, ESD 3 and ESD5 of the Development Plan, are noted in the context of development plan aspirations for development outside the Eco-Town allocation.

9.22. Other Eco Town standards relate to ensuring that the site:

- incorporates best practice on tackling overheating and to tackling the impacts of climate change (the main risks for which are identified as overheating and water stress),
- provides for homes to meet high standards of fabric energy efficiency and designed to high environmental and space standards as well as to provide a range of house types and sizes to meet needs and to be adaptable and flexible for residents to work from home. 30% affordable housing to meet local needs is required,
- provides for employment by being supported by an economic strategy to demonstrate how access to work will be achieved and to deliver a minimum of one employment opportunity per new dwelling that is easily reached by walking, cycling and/ or public transport,
- to be ambitious in terms of transport by achieving high levels of modal shift, to promote sustainable modes of transport and contributes towards the achievement of healthy lifestyles by providing facilities to contribute to wellbeing, for green spaces and allotments to be provided and to enable residents to make healthy choices easily, to make provision for future modes of transport (i.e. electric vehicles) and to make sure that sufficient transport infrastructure is in place to serve the development,
- provides for community facilities and local services provided within proximity to homes to enable walkable neighbourhoods and to encourage sustainable travel initiatives,
- the provision of green space and infrastructure as a distinguishing feature of the site making it an attractive place to live and to provide for 40% Green Infrastructure across the site with spaces being multi-functional and to provide for a range of green spaces. Sports pitches to form part of the overall requirement,
- provides for tree planting, responds appropriately to the development edges and to hedgerow and stream corridors through the site (with 20m buffers provided to hedgerows, 60m buffers to watercourses) as well as dark corridors provided for nocturnal species,
- appropriately mitigates for and enhances biodiversity to ensure a net biodiversity gain. Contributions are identified to mitigate for farmland birds as it is not possible to mitigate for them on site,

- is ambitious with regard to water efficiency with the ambition of achieving water neutrality by demonstrating efficient use and recycling of water to minimise additional demand,
- to incorporate sustainable urban drainage systems to minimise the impact of new development on flood risk,
- includes proposals to be ambitious with regard to waste to ensure it is sustainably dealt with and to divert waste from landfill. Zero construction waste to landfill from construction, demolition and excavation should be targeted,
- to contribute towards proposals for long term governance structures across the site to ensure that appropriate governance structures are in place, to ensure there is continued community involvement and engagement, to ensure development meets eco-town standards and to maintain community assets,
- to contribute towards the cultural enrichment of the site to create a culturally vibrant place through high quality design and community engagement.

9.23. The Ministry of Housing, Communities and Local Government (MHCLG) (now the Department for Levelling Up, Housing and Communities DLUHC) published the Future Homes Standard consultation on 1 October 2019. This has resulted in recent changes in particular to Building Regulations Approved Document F (Ventilation) and Approved Document L (Conservation of fuel and power), Approved Documents O (Overheating) and Approved Document S (Infrastructure for the charging of electric vehicles) with further changes expected and necessary to meet the Future Homes Standard at 2025 and beyond.

#### *Assessment*

9.24. The applicant submits within their submission that the key principles for the Proposed Development to deliver the energy hierarchy but not to deliver True Zero Carbon Development citing financial viability and cost as a principal reason. The development however includes:

- a proposal to go beyond the current Part L of the Building Regulations to align with the anticipated future changes (as part of the Future Homes Standard).
- to incorporate measures to reduce energy demands and supply energy efficiently in line with the energy hierarchy. Incorporate a high standard of energy efficiency measures into the design and aspire to achieve improvement over Part L 2013 (Policy ESD3).
- to incorporate low carbon and/or renewable energy technologies for energy generation (Policy ESD5).
- to integrate measures into the design that will support mitigation and adaptation to the anticipated effects of climate change (Policy ESD2)
- a financial contribution to offset the level of carbon that the applicant calculates cannot be offset on site at a rate of £60 per tonne (assessed later in this appraisal)

9.25. The applicant's submission has therefore considered anticipated changes in Part L of the Building Regulations to reflect electricity grid decarbonisation that are likely to result in a shift towards electric-led heating strategies (rather than gas) in the coming years. Furthermore, the Government has indicated that gas may be banned as a heating source from 2025. In line with this, the submission shows that CO<sub>2</sub> emissions arising from the Proposed Development are expected to decrease by circa 75% within the predicted scenario compared to the baseline of Part L 2013. However, the application makes no firm commitment to these elements if not introduced through national regulations albeit through discussions relating to the financial viability of the

scheme, it is proposed to ensure that the development would be built to the Future Homes Standard (as far as it is understood at this time).

- 9.26. The applicant also highlights that a series of design principles to increase energy efficiency have been considered through careful masterplan design. In accordance with the energy hierarchy, the Proposed Development will seek to adopt a “fabric-first” approach to building design (enhancing the performance of the components and materials that make up the building fabric itself, such as improving insulation and reducing cold bridging), before considering the use of Mechanical Electrical Plumbing (MEP) services systems and renewable/ low carbon technologies.
- 9.27. In accordance with Policy ESD4, a preliminary assessment of district heating feasibility has been undertaken. Connection to the existing heat network is likely to risk the project failing Part L of the Building Regulations in 2021. It is understood from the Applicant’s Executive Summary of the outline energy statement that SSE Enterprise are currently assessing how their infrastructure can be decarbonised to meet Building Regulation compliance.
- 9.28. There is also a ‘suite’ of ‘building-specific’ technologies that could potentially be deployed at the Proposed Development. Policy ESD5 suggests that significant on site renewable energy provision will be required for developments above 100 dwellings where this is feasible. At this stage, the most suitable technologies are anticipated to be roof-mounted photovoltaic solar panels (PV), solar water heating systems (or solar thermal) and heat recovery technologies (e.g. wastewater and air heat recovery). Air source heat pumps are likely to feature prominently in any electric led heating strategy. There may also be potential for ground/water source heating solutions, subject to further geological investigation and the detailed building designs.
- 9.29. Opportunities for incorporating emerging technologies to actively manage the generation and use of energy, including active network management and broader ‘smart’ energy concepts have been considered including thermal and electric batteries.
- 9.30. All opportunities identified here must be subject to thorough technical feasibility and financial viability assessment. The final energy strategy for each phase will be detailed at the RMA stage and secured through a S106 obligation and demonstrated through full Building Regulations (Part L) calculations for Building Control.

#### *Conclusion*

- 9.31. The summary of the Applicant’s Technology Appraisal for Zero Carbon Homes within the application are:
1. Over the next five years the greatest influence on carbon emission reduction potential of new homes will be the decarbonisation of grid electricity. The adoption of electric led heating approaches on each housing unit offers the maximum carbon benefit.
  2. Zero carbon homes and Code Level 5 can be achieved through a combination of Future Home Standard and solar generation.
  3. New homes will fail Part L of the Building Regulations if they are connected to a heat network supplied by gas boilers and CHP beyond 2021.
  4. If true zero carbon cannot be delivered on site, offsetting or offsite renewable energy project will be required.

5. Decarbonisation of the heat network is critical to achieving minimum compliance to the Building Regulations and reducing the need for offsite renewable generations.
- 9.32. It is recognised that since the adoption of the Development Plan in 2015 the standards of sustainability in construction have been improved at national level through Building Regulations and that further changes are expected by 2025 and beyond.
- 9.33. However, in light of recent volatility in national Government whilst progress has been made, the commitment to the Future Homes Standard cannot be guaranteed and the applicant does not make the commitment as to what will be delivered if national changes to Building Regulations are not brought forward although it is understood that they would target the Future Homes Standard based upon current understanding of what that would be.
- 9.34. The Applicant does, through the viability process, offer a contribution based upon £60 per tonne of carbon per year for 30 years to offset the remaining carbon that they are unable to offset on site. The Council does not currently have a basis for charging such a contribution or therefore a justifiable basis for the cost of any contribution per tonne or a scheme to spend this contribution. In addition, Bioregional who advise the Council on sustainability matters relating to NW Bicester and who have been involved in reviewing the viability case, firstly identify that the calculation of the figure offered is inconsistent but secondly that the £60 per tonne figure would likely not be sufficient because it was based on data that has since changed. Their advice is that a more sophisticated approach to calculation by applying a regression to reflect the projected decarbonisation of grid electricity (which would reduce the amount of carbon that needs to be offset over the 30 years) but with the cost increasing each year to reflect the cost of abatement and inflation which would more closely enable any contribution to offset the required level of carbon. The value offered by the applicant could be safeguarded for use on site to improve the standard of the development and the technology included to provide for benefits beyond what is likely to be the Future Homes Standard.
- 9.35. The applicant also submits that implementing True Zero Carbon would impact further on financial viability and ability to deliver affordable housing or s106 contributions. This is discussed further below.
- 9.36. As such, whilst the development would be higher than the baseline at the time of the adoption of the Development Plan policy, the proposals would not meet the aspirations of Policy Bicester 1 and the allocation as it would not meet the true zero carbon requirements. There is conflict with Policy Bicester 1 in this respect.
- 9.37. The applicant has provided some notes on the use of Modern Methods of Construction as follows (this is the applicant's position/ view):

*Assuming a similar specification and level of finish, there isn't a discernible cost differential between modular housing and traditional methods. Instead, the primary drivers for modular construction is speed of assembly to minimise on-site programme activities with lower on-site preliminaries, improved health and safety, reduced adverse weather risk and lower material wastage. This appeals to councils, neighbouring property owners and other stakeholders since it reduces extended disruption in the locality and other externalities such as traffic, noise and dust.*

*However, modular construction is still in its relative infancy. The modular home market in the UK predominantly caters for the self-build community, delivering bespoke, one-off projects. However, in time, the modular housing industry could become a scalable industry model that benefits from economies of scale, resulting in build cost*

*improvements compared to traditional methods. However, it is unlikely in the medium term that this is achievable due to high barriers to entry (e.g. financing and pay-back period of considerable factory, plant and equipment set up) and slow uptake to date.*

*A scaled up modular sector, in time, could enable this sector to be able to cater for larger schemes with 100's of new homes. However, at present, modular housing is mainly limited to clusters/ small schemes/ subset of a wider scheme as a pioneering experiment.*

*Furthermore, in terms of viability, Gardiner & Theobald would like to highlight the potential implications on the out-turn values and saleability for modular housing due to the perceived quality considerations by the end-user. G&T would therefore recommend the Client's agent is consulted on this important aspect on scheme viability. Coupled with this, modular volume housing design is limited by the manufacturing process, with the result that modular housing has limited designs and scope to customise. It is therefore perceived to be a partially homogenous end-product (and therefore less attractive) and does not have the flexibility that on-site traditional methods afford.*

*A final consideration on the suitability of modular housing from a saleability perspective is the lack of understanding from the mainstream lenders, which could make it tricky to access mortgages and therefore detracting potential buyers to a scheme.*

#### Design, and impact on the character of the area

##### *Policy Context*

- 9.38. Policy ESD13 sets out that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would cause undue visual intrusion into the open countryside or harm the setting of settlements, buildings, structures or other landmark features. It also identifies that opportunities will be sought to secure the enhancement of the character and appearance of the landscape.
- 9.39. Policy ESD15 identifies that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. It includes various specific points to ensure development respects the character of the built and historic environment.
- 9.40. Policy Bicester 1 sets out various key site-specific design and place shaping principles relating to the wider allocated site. It seeks to secure a well-designed approach to the urban edge, to respect the landscape setting and to carefully consider open space and structural planting around the site.
- 9.41. Policy Bicester 1 and the associated Supplementary Planning Document (SPD) sets out a masterplan vision and context for the whole NW Bicester development with Howes Lane and Lords Lane forming the urban edge to the site and the interface with the existing town. Middleton Stoney Road forms the western edge and the interface with Bignell Park, historic parkland in private ownership. Banbury Road forms the eastern edge to the proposed development with Caversfeld House and the Church of St Lawrence beyond. The northern edge of the site area is rural and cuts through existing field boundaries. This edge requires sensitive treatment in order to lessen the impact on the surrounding countryside. St Lawrence's Church is an important local landmark building (Grade 2\* listed). Its setting is important in the local landscape. The SPD confirms that the setting of St Lawrence's Church, Himley Farm Barns and Home

Farm are key considerations for any development in the area. It finds that this setting is currently defined by underdeveloped agricultural land with associated rural qualities, in turn allowing views from these areas to the Church tower such that built development without adequate buffers would be incongruous.

9.42. The Council's SPD includes a masterplan as a key component to ensure that infrastructure and design quality will be delivered in a comprehensive manner. The masterplan shows the site boundary, proposed land uses, existing woodlands and hedgerows, watercourses and ponds, proposed woodlands and hedgerow buffers; water corridor buffer zones, a nature reserve and country park, a burial ground, site access points from the highway network as well as indicative primary and secondary routes; and the proposed realignment of Howes Lane.

9.43. The SPD sets out the following design principles that should guide the preparation of proposals on the site:

- Sustainability – a key driver in the design of the eco-town and a fundamental principle in achieving a zero-carbon development - the layout of the site and individual buildings should reduce the use of resources and carbon dioxide emissions;
- Character – somewhere with a sense of place that responds positively to the area as a whole;
- Integration – within the site but also with the surrounding town and countryside;
- Legibility – a place which is easy to understand and navigate;
- Filtered Permeability – achieving a form of layout which makes for efficient movement for pedestrians, cyclists and public transport provision while accommodating vehicles, and ensuring good connections with its surroundings;
- Townscape – utilising building height, scale and massing, and design detail and
- Landscape and green infrastructure including green space – a place which responds to its landscape setting, historic landscape and field boundaries incorporates buildings in a quality landscape setting.
- Proposed development should be sensitive to the existing landscape and townscape character whilst creating a unique image for the eco-town.

#### *Parameter Plans and Development Principles*

9.44. As many elements are reserved for future consideration, the outline application is defined through the submitted Development Principles Document and the three Parameter plans.

- Development Parameter Plan 1: Maximum building heights and footprint (ref: 1192-003 Rev N)
- Development Parameter Plan 2: Green Space (ref: 1192-003 Rev N)
- Development Parameter Plan 3: Access and Movement (ref: 1192-003 Rev M)

9.45. The applicant states that built development footprint shall be restricted to the areas shown on the Building heights and footprint parameter plan, with the exception of the categories below.



9.46. Within the areas of Multi-functional Green Space and the Landscape and Visual Mitigation Zone (on the Multi-Functional Greenspace Parameter Plan and paragraph 7.5), there will be no residential built form, and no built development will be permitted other than:

- i. Sustainable Drainage Systems
- ii. Existing fluvial flood storage;
- iii. Surface water attenuation;
- iv. Structural planting;
- v. Landscaping;
- vi. Land sculpting;
- vii. Artwork, sculptures, and signage;
- viii. Means of enclosure;
- ix. Footpaths and cycleways and their associated apparatus;
- x. Utilities and apparatus;
- xi. Development related to open space and recreation, including play equipment, allotments, orchards, and edible landscapes;
- xii. Creation of roads (including driveways) and footpaths that may need to cross the Zones in order to provide connections for the built development; and
- xiii. Creation of ecological habitats including wetland, wildflower meadows, scrub, species-rich grassland, woodland.

9.47. Within the areas of Retained Vegetation, which are located within the Multi-functional Green Space, there will be no residential built form, and no built development will be permitted other than:

- i. Some surface water drainage;
- ii. Informal footpaths and their associated apparatus;
- iii. Artwork, sculptures, and signage;
- iv. New planting and management of existing vegetation;
- v. Means of enclosure; and
- vi. Any works associated with the potential uses of any part of the woodland area for educational purposes whilst maintaining the natural feel and biodiversity of that woodland.

9.48. Efforts have been made through the above text and, latterly, the proposed parameter plans have been amended to be consistent with elements of the overall vision. The applicant team have confirmed that these changes have not resulted in any changes to the conclusions of the ES.

- 9.49. Whilst the comments of the LLFA are noted, the use of four areas for surface water attenuation ponds is not in keeping with the overall masterplan and landscape context which envisioned Sustainable Drainage being delivered also through other more designed approaches such as swales. The parameter plans identify four locations for attenuation basins but a drainage strategy for the site will be required via condition as advised by the LLFA.
- 9.50. The use of the area to the eastern edge, closest to the development edge with St Lawrence Church and Home Farm Farmhouse, was also envisioned to be greenspace as part of the setting to the two listed buildings. The proposal includes significant development in this area and a much smaller area of open space than envisioned in the masterplan and the SPD. However discussions with Conservation colleagues have indicated that there is no issue with the setting of the listed buildings in respect of the development proposals.
- 9.51. It is also noted that the greenspace is generally to the edges of the development (albeit detailed indicative work does demonstrate green spaces throughout the internal area of the development), and whilst a matter of detail, particular concern is raised to the indicative locations of the play areas which appear in constrained areas of greenspace and without appropriate designed relationships to the neighbouring dwellings. National guidance advises that in order to achieve a satisfactory relationship Local Equipped Areas of Play should have a buffer zone of 20m (minimum) from residential properties. Play areas would also not be appropriate within areas at risk of flooding due to the time that they may be unavailable. Appropriate details would need to be safeguarded through conditions.
- 9.52. Overall whilst meeting the technical requirement for 40% of the development for green space (of which half should be publicly accessible), this is achieved through the inclusion of the retained woodland and area around the River Bure rather than adherence to the landscape and design principles of the Council's Masterplan, however Officers conclude this is acceptable.
- 9.53. Conditions would be required to ensure that the detailed designs comply with the Development Parameters to ensure that the development complies with the scope of the development assessed via the Environmental Statement.

#### *Assessment*

- 9.54. The applicant's Design and Access Statement identifies that Bicester block structures and spaces are characterised by its historical evolution through a grid layout, higher densities at the village centre, a modern interpretation of rural farmsteads.
- 9.55. A variety of materials and styles reflect the rich heritage of Bicester and its surrounding villages. Simple geometry for windows with lintel detailing, sash and casement windows for example are highlighted as styles likely to be reflected as discussed in the applicant's Design and Access Statement. However, there would be an expectation that a Design Code would be sought via planning condition to secure a suitable basis for the delivery of the site through reserved matter applications taking into account the ambitions for the site.
- 9.56. The applicant also states in their Design and Access Statement landscape and public open space at Bicester are characterised by village greens and recreational grounds, growing spaces such as allotments and community orchards, verges including mature trees on historic streets, landscape corridors and overlooked recreation space.
- 9.57. However, the existing development on the wider site is more contemporary in nature and with strong continuous frontage to streets and the proposals should form

important character traits established in previous permissions and development in particular to the principal road frontages.

- 9.58. Whilst being a Reserved Matter, the Design and Access Statement sets out a reflective design approach which indicate that the proposals could, through a clear design code and design led approach, deliver an appropriate development and urban grain.

#### *Conclusion*

- 9.59. The use of the eastern area for development, where previously this was open space would cause concern and the northern boundary and buffers to the Brook and retained woodland also needs further design work but this can be dealt with through Design Coding.
- 9.60. As the proposal is in outline, the broad nature of the parameter plans are a matter which needs to be carefully considered, with landscaping, layout and scale all matters which need further approval through the Reserved Matters. The Environmental Statement and the documents associated with the planning application are more robust.
- 9.61. As such, the proposals would need to be carefully conditioned, if approved, to safeguard the principles of the masterplan and policy guidance. Officers are generally content that the information included on the proposed parameter plans alongside the ES information and to be secured through condition provide a sufficient basis for future development at the site.

#### Transport

##### *Policy Context*

- 9.62. Policy SLE4 seeks to support proposals in the movement strategies and the Local Transport Plan to deliver key connections, to support modal shift and to support more sustainable locations for employment and housing growth. It identifies that new development in the district will be required to provide financial and/ or in kind contributions to mitigate the transport impacts of the development. The Policy also identifies that new development should facilitate the use of sustainable modes of transport to make the fullest use of public transport, walking and cycling. The policy reflects the NPPF in that it advises that development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.
- 9.63. Policy Bicester 1 and associated guidance rely on delivering the phases of development in a co-ordinated and comprehensive manner to the delivery of infrastructure.

Guidance sets out that key considerations for movement are to be addressed in planning applications, with a key requirement to achieve modal shift to enable at least 50% of trips originating in the development to be made by non-car means with the potential for this to increase to 60%, are as follows:

- Reducing car dependency;
- Prioritising walking and cycling;
- Generating activity and connectivity;
- Highway and transport improvements including Howes Lane and Bucknell Road; and
- Bus priority and links and infrastructure including Real Time Information

- 9.64. At the outline planning application stage it will be necessary to set out the indicative layout of lower hierarchy streets as part of a future design code. The secondary road network will provide other routes through the site. Below this level, further work in preparing planning applications is required to show how the routes will connect and illustrate the permeability of the site.
- 9.65. There is scope for planning applications to reconsider key elements and provide further detail to explain how the movement principles will be realised in spatial and public realm terms.
- 9.66. It is considered in guidance that planning applications and proposals should:
- Demonstrate how Manual for Streets 1 and 2 have been incorporated into the design of roads and streets;
  - Demonstrate how Sustrans design manual guidance has been incorporated;
  - Address and ensure connectivity along the major routes;
  - Include a Movement Strategy and designs to promote sustainable transport ensuring that all residential areas enjoy easy access to open space and are connected by a range of modes of transport to schools, community facilities and leisure/ employment opportunities.
- 9.67. The NPPF also sets out at Paragraph 104 that transport issues should be considered from the earliest stages of plan-making and development proposals, so that:
- a. the potential impacts of development on transport networks can be addressed;
  - b. opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
  - c. opportunities to promote walking, cycling and public transport use are identified and pursued;
  - d. the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
  - e. patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
- 9.68. Further Paragraph 110 In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users;
  - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
  - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.69. Paragraph 111 of the Framework also stipulates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact

on highway safety, or the residual cumulative impacts on the road network would be severe.

- 9.70. There is as yet no defining case or assistance from the NPPF or PPG which deals with the meaning of "severe" or how decision makers should address the issue.
- 9.71. An appeal decision ref: APP/D3315/W/16/3157862 helpfully summarised these approaches and provides as a useful reference point for decision makers at appeals on this vexed issue.

Herewith some relevant extracts with emphasis added:

*(paragraph 34) **"the term 'severe' sets a high bar for intervention via the planning system in traffic effects arising from development, stating that: 'The Council agreed that mere congestion and inconvenience was not sufficient to trigger the 'severe' test but rather it was a question of the consequences of such congestion"***

*The Inspector also considers (paragraph 25), **that the queuing of vehicles is a relevant matter in looking at cumulative impact of development on the local highway network.***

- 9.72. In assessing that impact other factors which have been considered in appeals include:
- increase in the number of vehicles likely to be generated by the proposed development in relation to the capacity of the road to accommodate such an increase, both in terms of free-flow of traffic and highway safety.
  - the ability for pedestrians to cross the main road conveniently and safely; and
  - the ease of vehicles to gain access to the main road from side streets and access points.
  - the nature of vehicles (e.g. where vehicles are long/or slow moving) using the proposed accesses
- 9.73. The above is not an exhaustive list but aims to focus matters where there is proven appeal cases where severity of impact has been discussed.

#### *Assessment*

- 9.74. The NW Bicester site as acknowledged by Policy Bicester 1 and the NW Bicester SPD identifies that changes and improvements to Howes Lane and Lords Lane are required alongside the (newly installed) vehicular bridge, in improving the Howes Lane/ Bucknell Road/ Lords Lane junction which is constrained in transport terms. The purpose of the realigned road is also to provide an environment which is safe and attractive to pedestrians and cyclists as well as contributing to the place shaping requirements at NW Bicester by being a strategic route for the town which is an urban boulevard for the development and to be a focal point for the community.
- 9.75. The application site is situated to the north of the route for the realigned road and the applicant has no control over land required to deliver it. However, the site is impacted by the requirement for the road due to the transport constraints within the wider area.
- 9.76. Earlier transport work at NW Bicester identified that there was some (limited) capacity for development to be undertaken at the site prior to the delivery of the realignment of Howes Lane but that beyond this, the realignment of the road, to resolve the existing constraints was required. This has resulted in two planning permissions for the wider

NW Bicester site being approved subject to a Grampian condition relating to the delivery of the strategic infrastructure.

9.77. Until the end of 2021, this earlier work had been relied upon as a reasonable indication of transport impact because, until that point, there had been a level of certainty that the realigned Howes Lane would be provided within a reasonable timeframe. This was based upon Oxfordshire County Council having progressed the delivery of the strategic infrastructure including in delivering the two structures under the railway line utilising forward funding and progressing the detailed design for the road infrastructure with the intention to deliver the project using Oxfordshire Growth Funding.

9.78. Subsequently, the Oxfordshire Infrastructure Advisory Group advised the Future Oxfordshire Partnership on 23 November 2021 of proposed changes to the infrastructure funding allocation from the Housing and Growth Deal.

*“The A4095 alignment in North-West Bicester was proposed to be removed and the funding instead allocated to the Lodge Hill diamond interchange in north Abingdon. This would enable more housing to be accelerated. It was clarified that this would be a decision for Oxfordshire County Council. The Infrastructure Advisory Group were also looking to meet with a representative from the UK Infrastructure Bank when it was set up.*

*Panel members commented that whilst the decision to move the funds to Lodge Hill on this occasion can be understood, there would be disappointed groups, and a request was made that alternative sources of funding be identified as early as possible for the A4095 alignment. This infrastructure was considered very important for existing residents too, and not just for the homes that were due to be built.”*

9.79. The Future Oxfordshire Partnership resolved to support continued efforts to identify funding for the A4095 [Howes Lane] re-alignment work.

9.80. On this basis, there is now no certainty of the delivery of the strategic infrastructure so Oxfordshire County Council have advised that the earlier work seeking to establish potential capacity in advance of the strategic infrastructure cannot be relied upon. That earlier work was based upon an older version of the Bicester Transport Model which did not include Heyford in its assumptions. The Bicester Transport Model has since then been further updated to reflect a new scenario without the realigned road in place by 2026.

9.81. In the current circumstances, Officers have previously advised that it would not be possible to impose a Grampian condition and this applies with respect to this site too. This is because the Planning Practice Guidance provides guidance on the use of Grampian Planning Conditions and advises that such conditions (which prohibit development or a certain trigger point of a development happening (i.e., occupation) until a specified action has been completed (i.e., the provision of supporting infrastructure)) should not be used where there are no prospects at all of the action in question being performed within the time limit imposed by the permission. Therefore, the impact of a development must be judged in its entirety.

9.82. It is acknowledged that the applicant and the Local Highway Authority have been discussing and scoping the level of information prior to the submission of the application and assessing the impacts. This has involved further information and re-assessment of models being shared in particular following the submission of the application following the changes in circumstance.

9.83. In January 2022 (following the application having been with the Council since May 2021 and an initial response from OCC as the Highway Authority), an OCC Local

Highway Authority objection was raised for a number of reasons; one of which related to the impact of the development in the absence of the A4095 diversion/ strategic link road. The analysis of the impact was found to not be sound and therefore the traffic impact of the proposal could not be predicted. Since then, the applicant has been working hard to resolve the transport issues and has made a number of submissions in response to each of the objections raised (throughout 2022) including proposing an interim scheme in the form of a mini roundabout at the Howes Lane/ Bucknell Road junction (albeit this proposal has been not pursued as it has been acknowledged that this would likely result in little benefit to the operation of the local highway network).

- 9.84. The applicant also proposed to 'calibrate' the traffic flows at the existing junction to ensure that the output data from the junction modelling software (PICADY) more accurately represented the extent of queues that were observed to be generated on the approach to the existing junction as part of the traffic surveys. The approach to calibration has been accepted by OCC having been advised by their consultants (Stantec) on this point.
- 9.85. The applicant has also proposed to adjust the distribution of traffic from the proposed development that would travel to this area. With 30% of the traffic identified to the junction from the development with other traffic distributed alternatively through the centre of Bicester, around the eastern perimeter of the town or north from the proposed development along the B4100 to J10 of the M40.
- 9.86. The applicant notes that the key junctions of the Middleton Stoney Road Roundabout Junction (1,400m) and Banbury Road Roundabout Junction (1,150m) are not affected by the queues and that in this context, the queue extending 234m (am) and 73m (pm) towards the Banbury Road junction and 110m (am) and 628m (pm) towards the Middleton Stoney Road Roundabout junction would not be severe. It is noted however that the queue on Howes Lane would go beyond the signalised junction of Shakespeare Drive (c.395m). It should be noted however that without the development there would be an impact on Shakespeare Drive without mitigation by 2026.
- 9.87. Officers from the Local Planning Authority and County Council have continued to liaise with the applicant over the accuracy and detail of the highways assessment and mitigation. It should be noted that this is a principal concern for local residents and Elmsbrook Traffic and Parking Group amongst others.
- 9.88. As a result, various technical notes have been received updating the assessment and model outcomes during the course of the application with the latest being *TN011 – A4095 Junction Modelling – further assessment* which was submitted at the beginning of November 2022. This document provides the results of a further assessment of the junction, which predicts a lower level of delays and queueing at the junction of Bucknell Road and Howes Lane in 2026 than the previous assessment, upon which previous objections from OCC were based.
- 9.89. This lower prediction is the result of three factors:
  - i) Using the most recent Bicester Transport Model 2026 reference case. An interim reference case was initially provided, which did not include the A4095 realignment. However, whereas in this interim reference case the amount of development predicted at NW Bicester was in line with the 2021 Annual Monitoring Report, the reference case was subsequently updated to adjust all the development at Bicester to be in line with the 2021 AMR. This has resulted in a change in predicted traffic movements at the critical junction, notably with a 10% reduction in traffic approaching from Lords Lane in the a.m. peak.

ii) Adjusting the predicted assignment of southbound traffic from the development. The initial (manual) assignment of southbound development traffic assumed the A4095 realignment was in place. However, it is accepted that given the predicted congestion at the critical junction in 2026 (without the A4095 realignment) a larger proportion of traffic would route either through the town centre or via the eastern peripheral route, reducing the amount of development traffic predicted to pass through the critical junction. However, it is unclear as to why the reduction appears to be greater in the pm peak.

iii) Further additional calibration of the Junctions 10 model of the critical junction. This was previously calibrated by applying a 14% reduction in demand traffic flow to the northern arm, such that the queueing in the base model matched observed traffic queues. However, the applicant now submits that the observed queues were in fact shorter and therefore a larger reduction factor of 28% should be used. Para 2.4.4 of TN008 says that the queue on Bucknell Rd N/Lords Lane was approx. 400m or 69.5 PCUs in the am peak, whereas Para 2.3.3 of TN011 says the queue is 170m or 29 PCUs. OCC have advised that this requires clarification. It is worth noting that TN 008 (para 2.4.10) argued that a reduction greater than 14% could be applied 'as the RFC still exceeds 1' – this is a reason for calibration that would not be accepted.

9.90. Highways Officers noted that it is accepted that the queueing and delays at the junction would be less than previously predicted in transport assessments and models, as a result of using the most up to date reference case and allowing for the reassignment of development traffic.

9.91. OCC initially advised that the results however are considered to be inconclusive because of the disparity in queue lengths between technical notes TN008 and TN011, and because of the seeming inconsistency in the application of the revised development traffic assignment.

9.92. Having reviewed further, OCC have advised that the development traffic assumed in TN011 is consistent with the revised development traffic distribution, and having re-read TN008 Rev B, the disparity in queue lengths is because the previous, longer queue related to the earlier surveys which were not carried out on a typical day, whereas the shorter queue related to the repeat surveys carried out in July. A larger adjustment was required to the Junctions 10 model to calibrate it to the July surveys. Therefore, it is accepted that the predictions of queue length in delay in TN011 are reasonable.

9.93. The results show that in the worst case, delay would increase by 50% from 6 to 9 minutes average delay per vehicle through the critical junction, comparing the situation in 2026 with and without the development. (This compares to earlier predictions of delays of up to 17 minutes.) In the context of an increasingly urban setting, drivers will become accustomed to congestion on all routes into and around Bicester by 2026, where they may face similar delays. Whilst there is no definition of what constitutes a 'severe' impact, a doubling of delay would in the opinion of OCC be severe and even an increase to 9 minutes could be seen as unreasonable. However, although there is currently no certainty of the A4095 realignment being delivered via external funding, there are current development proposals on the land required for the scheme, which means the land can potentially be safeguarded and there is some likelihood of the road eventually being delivered by developers, particularly as the most challenging element of the project, namely the bridge under the railway, has already been delivered.

9.94. Therefore, although the impact of the development may be felt for many years, it is likely to be temporary, if long-term temporary. As a result, OCC as the Local Highway Authority advise that they have removed their highway objection on the basis that the



traffic impact would not be considered severe, subject to planning obligations and conditions as previously set out

- 9.95. OCC have therefore indicated that in their view that there would not be a sustainable reason for refusal based on transport grounds.
- 9.96. With respect to other transport factors, discussions have been held with regard to the suitability of Charlotte Avenue for the level of development proposed. North of the school, the width reduces through a narrowing to 4.1m which OCC advise would be a high risk for vehicles in overrunning the footway when passing one another. The applicant has proposed a scheme of widening within this area. However, this would, in all likelihood, result in the loss of street trees along Charlotte Avenue. The applicant has offered a contribution to allow OCC to carry out the widening works. As it stands however, the road is not yet adopted. The loss of the trees could potentially be mitigated for on the site itself, which could offset some of this impact.
- 9.97. In addition, the narrowings which exist southeast of the school at the bridge on Charlotte Avenue have been assessed. This work identified how alterations could be made to better cater for both two-way traffic and cyclists which involved narrowings being removed and being replaced with speed tables and other traffic calming features. The applicant's contribution referred to above would also apply here to allow for local road improvements should those be found to be necessary in consultation with the local community.
- 9.98. Nevertheless and notwithstanding these local road improvements, the number of dwellings to be accessed from both access A and B should be kept to a minimum to ensure the impact is no greater than as modelled. The transport note for the development suggests a maximum number of 67 dwellings from access B (to the south of the bus only link and accessing the western parcel) and 138 dwellings from access A (to the south of the bus only link and accessing the eastern parcel).
- 9.99. Queries have been raised regarding the suitability of Braeburn Avenue and the local roads in this area. OCC have advised that in the modelling, the junction of Braeburn Avenue with the B4100 is showing plenty of capacity so even if there were an underestimate, this would not present a problem in terms of capacity. Traffic exiting this junction is limited by the bus gate.
- 9.100. The proposal seeks to provide cycle and pedestrian links onto the infrastructure that exists within Elmsbrook. These are generally at the same locations as the vehicular access points as well as some other locations where they can be achieved taking into account future adoption standards (or permission granted by the adjoining landowner) and future development proposals. This includes the proposal for a bridge leading over the watercourse from the site towards the south. Whilst there have been some concerns raised with respect to how segregated cycle facilities might be provided for, it has been accepted that this would not be required on Braeburn Avenue or Charlotte Avenue north of the school due to the traffic volumes. Construction access is planned to be taken from the B4100 and the layby to avoid construction traffic being taken through Elmsbrook.
- 9.101. The original Transport Assessment assumed that 40% of the trips originating within the application site would be made by car drivers with the remaining 60% of trips expected to be person trips made by sustainable means of transport.
- 9.102. Local residents have queried this, in particular due to local traffic surveys undertaken which they also consider demonstrates that the traffic impact on Elmsbrook will be far worse than predicted. There are differences between local traffic surveys and the

assumed trip generation in the models for Elmsbrook for a number of reasons. This is likely to be due to:

- the number of pupils being brought to the school who live elsewhere however in time it is assumed that more pupils will result from NW Bicester rather than from elsewhere and so the number of pupils being driven to school should reduce,
- the site is not served by facilities that meet everyday service needs such as a local centre, GP, pub and the fact that the nearest local ones are beyond walking distance for elderly residents. However, this is not unusual for a large site where the phased delivery of services is common to ensure that those delivered can be viably supported by the community. The local traffic surveys are therefore representative of the current lack of facilities in the local area and are not representative of the expected levels of trip containment when NW Bicester is built out.

The Highway Authority have found that the Bicester Transport Model reference cases have been found to be acceptable for use in modelling junction capacity for developments in the area. The model has been fully validated and validation reports are available. Their conclusion is that the impact upon the road network within Elmsbrook is acceptable. It should be noted in this context that whilst it has been suggested to the applicant that the principle of an access to the eastern parcel or some of it could be directly accessed from the B4100 which would be preferable (subject to the detail), the applicant's proposal does not include this and their proposals must therefore be considered. Their proposals are found to be acceptable subject to local road widening.

9.103. The issue of car parking has been raised by residents due to issues on Elmsbrook. This is a matter that would be negotiated at the reserved matters stage using most recent parking standards but noting the issues already experienced, particularly with respect to visitor parking.

9.104. Officers note that concerns with the proposals for the land to the south and the potential for access through into that site. This route is shown as 'potential' in that planning application and it is allowed for by the NW Bicester Masterplan. That application is though not progressed at this stage in order to reach agreement regarding the access strategy (as a whole) albeit it is likely that a link would be required, at the very least as a sustainable transport link, to ensure that a well connected development is created and to ensure that access to the school is achievable from the wider development. If that is secured as a sustainable transport link then mechanisms could be used to secure this.

9.105. The proposal would be expected to make contributions towards various offsite transport improvements including the signalisation of the Charlotte Avenue junction (which is required to offset an adverse impact at this junction), towards the bus service serving Elmsbrook, towards the Banbury Road roundabout junction, towards offsite cycle routes leading towards the town centre and to monitor the travel plan. A contribution would also be required towards the bridge leading over the watercourse as mentioned above and towards the major infrastructure costs (i.e., the A4095 realignment). There is also an expectation that the site developers would take part in a NW Bicester Bus Forum.

9.106. With regard to the signalisation of the Charlotte Avenue junction with the B4100 and the expected impact from this development, Officers note the concerns of local residents and note that the application documentation acknowledges that there would be an adverse impact on the junction. The requirement is for a contribution towards

its signalisation so that the required signalisation can be carefully designed and modelled in conjunction with the upgraded A4095/B4100 (Banbury Road) junction.

9.107. A crossing is proposed to lead from the development to the Church of St. Lawrence at Caversfield, which is proposed as a signalised crossing. This was requested in order to improve accessibility to the church and potentially increase its ability to be used for community purposes. There have been requests made for a parking area to be provided on site which was proposed as part of the proposal for the eastern parcel previously given the lack of parking available for the church. Whilst this was proposed previously, Officers do not consider that there is justification to insist on this provision because the church is within close proximity to the development and walking/ cycle provision would be available.

#### *Conclusion*

9.108. Whilst the development could provide for walking and cycling links and provide contributions towards transport improvements (including the strategic link road itself), the County Council have advised that prior to the delivery of a strategic link road, that the transport impacts of the development would not be severe.

9.109. As directed by paragraph 111, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

#### Density, Space Standards and Housing Mix

##### *Policy Context*

9.110. Policy BSC2 sets out that new housing should be provided on net developable areas at a density of at least 30 dwellings per hectare unless there are justifiable planning reasons for lower density development

9.111. Policy BSC4 requires that housing mix in new residential development will be expected to provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities. The mix of housing will be negotiated having regard to the Council's most up-to-date evidence on housing need and available evidence from developers on local market conditions. Housing sites of at least 400 dwellings will be expected to provide a minimum of 45 self-contained extra care dwellings as part of the overall mix. Should it be agreed with the Council that extra care housing would not be desirable in a particular location, an equivalent amount of alternative specialist housing (use class C3) for older people will be required.

9.112. The Masterplan for NW Bicester identifies a site for Extra Care Housing which is not related to the current application site so this has not been pursued as a requirement.

9.113. The policy mix sets out to achieve:

Market: 1bed (5%); 2bed (25%); 3bed (45%); 4+ bed (25%)

Affordable: 1bed (25-30%); 2bed (30-35%); 3bed (30-35%); 4+ bed (5-10%)

All Dwellings: 1bed (15%); 2bed (30%); 3bed (40%); 4+ bed (15%)

9.114. In respect of Policy Bicester 1 and the associated SPD it is stated that built form, density and massing that optimises the potential for solar gain to generate energy is required. Further that the density of residential development will reflect its location within the site with higher density residential development along public transport corridors and adjacent to local centres.

9.115. Whilst the Council have not adopted the National Space Standards into adopted planning policy, Policy Bicester 1 and the associated guidance sets out that homeworking will play an important role in creating employment opportunities on the site. It will be encouraged and facilitated by the design of the new homes and superfast broadband provision. Further it is stated that the ability of homes to provide flexible space for residents to work from home is a requirement of the phase 1 exemplar development.

9.116. Homeworking, in addition to the evidence presented as a result of the recent pandemic, would reduce the need to travel allowing residents who work elsewhere to spend time doing their job at home. It will also provide the opportunity to facilitate the provision of small businesses, sole traders and local businesses to use their homes for work and employment. Within homes there should be space provided to allow use as an office or small-scale ancillary business use.

#### *Assessment*

9.117. It is understood that the proposals would be able to achieve in excess of 30dph as required by Policy BSC2 of the Development Plan.

9.118. Noting the requirement of associated guidance that the density of residential development will reflect its location within the site with higher density residential development along public transport corridors and adjacent to local centres, the proposal seeks to allow for greater scale alongside the spine road through Elmsbrook which has been reduced compared to the original proposal. There are also proposals to amend the land levels across the site by plus or minus 2m. Cross sections have been provided to demonstrate this, but it is also a matter that would need further assessment at the detailed design stage to ensure a resulting suitable scheme including ensuring a suitable impact upon surrounding land uses and to protect residential amenity.

9.119. Taking the above into account and the reduced area of greenspace to the eastern area close to St Lurance Church in the masterplan it is unclear in design terms as to why the development density would be below 30dph unless the mix proposed or sought would be to create a higher proportion of larger dwellings than the overall policy mix of 1bed (15%); 2bed (30%); 3bed (40%); 4+ bed (15%).

9.120. Indicative mixes submitted to viability assessments included (albeit these have been queried by the Council's Viability Advisor as is explained later):

Market: 1bed: 0 (0%); 2bed: 128 (34.9%); 3bed: 149 (40.5%); 4+ bed: 90 (24.5%)

Affordable: 1bed: 31 (19%); 2bed: 73 (44.8%); 3bed: 47 (28%); 4+ bed: 12 (7.3%)

All: 1bed: 31 (5.8%); 2bed: 201 (37.9%); 3bed: 196 (37%); 4+ bed: 102 (19.25%)

9.121. The Council's preferred housing mix would therefore need to be secured through planning condition to guide future design work whilst ensuring that market and affordable housing mixes are well integrated and tenure blind. This may result in higher levels of greenspace.

9.122. The proposals do not include a commitment towards space standards and the need for these to be addressed form part of the commitment to homeworking (albeit the size of certain dwelling types has been queried by the Council's Viability Consultant taking into account his market research). Should planning permission be granted, appropriate safeguards would need to be included through planning conditions, preferably meeting, if not exceeding National Space Standards (given reference within Policy Bicester 1 to Lifetime Homes Standards, though the impact on viability would need to be reviewed).

### *Conclusion*

- 9.123. Overall, the proposals would need to be carefully conditioned, if approved, to safeguard the principles of the masterplan and to ensure that the areas safeguarded for landscape policy guidance where there is conflict with the parameter plans presented is secured.
- 9.124. As the proposal is in outline, further approval through the Reserved Matters is required. The above position of the Council in achieving appropriate density, design and space standards throughout the development will be important considerations to be safeguarded at a later date.

### Heritage Impact

#### *Legislative and policy context*

- 9.125. The site affects the setting of the Grade II listed building of Home Farm Farmhouse and the Grade II\* St Laurence Church.
- 9.126. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.127. Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.

#### *Assessment*

- 9.128. The comments of representatives of the St Laurence Church and the Council's Conservation Advisors amongst other commentators (e.g. Historic England) are carefully considered in particular in relation to the green margins around the eastern parcel which have been greatly reduced which will have the potential to lead to adverse impacts on biodiversity and on the setting of the church and other historic buildings.

#### *Built Heritage*

- 9.129. The building of St Laurence Church itself is Grade II\* listed and dates at least to the 12th Century, with some visible evidence of an older Saxon church on the site. It houses the oldest inscribed bell in the UK, several rare brasses and is renowned in North Oxfordshire for its beauty and special character. The churchyard is home to 25 graves of servicemen killed during the Second World War, one of the largest Commonwealth War Grave sites in North Oxfordshire. The Church is separated from the development by the B4100.
- 9.130. The application proposals include a pelican crossing immediately adjacent to St Laurence's Church. Objectors highlight in their view that the proposal for a signalised pedestrian crossing will have a direct, negative impact on the rural setting of the church immediately adjacent to the existing church gate.

- 9.131. The inclusion of a specific vista within the housing development towards St Lawrence Church as shown on the Multi-functional Greenspace Parameter Plan would mitigate the harm from the reduced green space from the masterplan.
- 9.132. The impact to St Lawrence Church is considered significant but the harm would be considered to be less than substantial. The public benefit to provide access to the existing church building, which should lead to greater use of the building is a matter balanced in accordance with the requirements of the NPPF.
- 9.133. Home Farmhouse (Grade II Listed) is also impacted by the reduced green space however there would remain a green buffer on the boundary between the proposed development and the existing heritage asset. Following consideration of the details the application would have a significant impact on the setting of Home Farmhouse however this impact is considered to be less than substantial.
- 9.134. It is noted that a number of other heritage assets are in the wider area, and these have been evaluated within the application submission, in particular the Environmental Statement. Overall due to intervening distance and the nature of the proposals, it is considered that the proposals would not have an impact on these heritage assets.
- 9.135. Taking all matters into consideration, the proposals would be in accordance with Policy ESD15 of the Local Plan and guidance contained in the National Planning Policy Framework, the identified harm would be outweighed by the public benefits arising from the development which includes the provision of housing on an allocated site.

#### *Archaeology*

- 9.136. The Site and surroundings have previously been subjected to several phases of intrusive and non-intrusive archaeological investigation, including aerial photograph examination (Air Photo Services 2010 & 2018), geophysical survey (Northamptonshire Archaeology 2011 & 2012; Magnitude Surveys 2018) and evaluation trenching (Oxford Archaeology 2014; MoLA 2018).
- 9.137. The applicant highlights in their submission that within the western portion of the Site, a rectilinear enclosure was sample excavated in two trenches and found to contain Middle Iron Age pottery sherds. Within the eastern portion, ditches within several trenches were found to contain pottery sherds ranging in date from the Early Saxon (early medieval) period to the 13th century, along with a holloway dating to the 11th-12th century. These features were interpreted as associated with the former medieval settlement of Caversfield, situated slightly further to the east.
- 9.138. Previous studies of HER data illustrate further historic activity within the wider environs of the Site, including evidence of Mesolithic, Bronze Age, Iron Age, Roman, Late Saxon and medieval activity.
- 9.139. As set out by the applicant, it is agreed that in consideration of the identified archaeological presence within the western part of the Site, the Planning Archaeologist for Oxfordshire County Council has requested a programme of further archaeological mitigation within this area. This will take the form of an archaeological excavation in advance of construction, followed by post-excavation assessment, analysis and publication of the discoveries to a scope proportionate to their significance.
- 9.140. This work would be defined as a condition of a consented scheme. No further mitigation is required for the eastern part of the Site.

- 9.141. Overall, it is agreed that the proposals would be in accordance with the Development Plan and National Planning Policy and are considered to be less than substantial. The recording and mitigation proposed will continue to be managed through the construction process and further investigations will be secured through planning condition.
- 9.142. The impact on heritage assets is therefore considered to be less than substantial harm in particular to the Church of St Lawrence. The heritage impacts therefore need to be considered in the overall planning balance with appropriate conditions in particular relating to the detail of archaeological work.

### Ecology Impact

#### *Legislative context*

- 9.143. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.144. Under the Regulations, competent authorities i.e., any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.145. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.146. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
  - (2) That there is no satisfactory alternative.
  - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.147. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be

adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

#### *Policy Context*

- 9.148. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.149. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.150. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.151. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.152. Policy ESD11 is concerned with Conservation Target Areas (CTAs) and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.153. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.154. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 9.155. Policy Bicester 1 sets out three principal objectives in respect of the biodiversity objectives:



- Preservation and enhancement of habitats and species on site, particularly protected species and habitats and creation and management of new habitats to achieve an overall net gain in biodiversity including the creation of a local nature reserve and linkages with existing BAP habitats
- Sensitive management of open space provision to secure recreation and health benefits alongside biodiversity gains.
- A Landscape and Habitats Management Plan to be provided to manage habitats on site and to ensure this is integral to wider landscape management.

#### *Assessment*

9.156. The comments of the Council's Ecologist and Natural England are noted and have been carefully considered alongside the comments of local residents and stakeholders who have commented on the application.

9.157. Having considered Natural England's Standing Advice and taking account of the site constraints it is considered that the site has the potential to contain protected species and any species present.

9.158. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.

9.159. The application is supported by a detailed protected species survey and sections of the Environment Statement which identified that ecological habitats were identified on the Site: semi-improved grassland, hedgerows and treelines, scattered trees, woodland and off-site watercourses. Surveys of protected species found that the Site supports potential opportunities for bats, badgers and other mammals (hedgehogs and polecats), breeding birds, reptiles, common toads and Brown Hairstreak butterflies. The Environmental Statement has been updated during the course of the application to take account of further breeding bird and bat surveys.

9.160. Opportunities to safeguard, mitigate and enhance, as set out in the Design and Access Statement, include:

- Retention and protection of key habitat features such as the watercourses, woodland, hedgerows and their buffer zones
- Sensitive timings and working methods
- Supervised staged habitat clearance exercises to safely remove protected species from developable areas
- Provision of new and enhanced greenspace and ongoing sensitive management of such habitats
- Provision of new faunal enhancements throughout the Site including bird and bat boxes (integrated and upon retained trees), hedgehog domes and highways, hibernacula and log-piles for reptiles and amphibians and invertebrate hotels and butterfly bank

9.161. Through the construction phase it is agreed that a number of mitigation measures have been incorporated into the design of the Development, with the key elements being retention of buffer zones around key habitats, the establishment of green infrastructure corridors around and across the Site, specific dark corridors for bats, and new drainage features. It is agreed that these measures together through the implementation of appropriate conditions, including a construction and environmental

management plan could manage the impact of the construction process on protected species and biodiversity.

- 9.162. The Council's Ecologist and the Newt Officer at NatureSpace did raise an issue with regard to Great Crested Newts (GCN) as there are ponds nearby which have not been surveyed for GCN suitability and therefore there could be impacts upon this species which need to be understood pre-determination. If the District Licensing route were to be required, this would need to be dealt with prior to determination. Following discussion and further consideration, a Great Crested Newt Mitigation Strategy has been submitted dated September 2022. This, in summary, argues that the current scope of survey is appropriate but, it finds that update surveys could be undertaken at the pre-commencement stage alongside a precautionary mitigation approach which could be implemented to safeguard GCN and ensure that the necessary licencing procedures are followed if necessary. There is no proposal to use the District Licensing route. The Council's Ecologist has not objected to conditioning additional GCN surveys as proposed however has expressed some concern that if the large waterbody to the east cannot be surveyed, that an assumption of GCN presence may need to be made and that the grant of a licence in this scenario would be difficult in the absence of survey information. Nevertheless, there is plenty of scope for mitigation on site and providing GCN surveys with a full report and mitigation/ licence information are the subject of a condition requiring compliance pre-commencement, then no objection is raised.
- 9.163. The Council's Ecologist also recommends a number of other pre-commencement conditions in relation to further survey work and ensuring that appropriate mitigation is delivered through the phased approach to development and to ensure that the basis of this is as up to date and accurate as possible. Officers agree that this is appropriate and can be managed through planning conditions.
- 9.164. Through the development it is proposed that the scheme will implement mitigation and compensation to seek to achieve a minimum of 10% biodiversity net gain which would be in line with the national requirement of the emerging Environment Act. The submitted Biodiversity Impact Assessment finds that the redevelopment proposals themselves deliver quantifiable net gain for biodiversity in relation to habitats which, anticipates a net gain of 16.69% for habitats and a net gain of 14.36% for hedgerows. This would need to be secured through planning conditions, in particular the delivery of a Landscape and Ecological Management Plan (LEMP) and detailed lighting design.
- 9.165. A contribution is also required towards a scheme of offsetting for farmland birds which is an impact identified by the NW Bicester Masterplan work as a result of development across the whole site. The applicant does not agree this contribution, and this is assessed in further detail later.
- 9.166. The creation of a SuDS network also provides the opportunity for an exciting ecologically rich meadow to enhance biodiversity. Swales and ponds also add interest and there is also potential for biodiversity improvement.
- 9.167. The detailed design of houses and other buildings (e.g. substations, etc) could include green roofs, bird boxes and other aspects which could add interest and biodiversity aspects however these are subject to detailed design and cannot be relied upon at this stage but could be encouraged through pre-application discussions to Reserved Matters submissions.
- 9.168. In addition, the applicant highlights that a range of qualitative gains can also be delivered on Site, such as the provision of faunal enhancements targeted to national and local Priority Species.

- 9.169. As part of the mitigation to achieve the net gain a number of enhancements are also proposed to create and improve habitats through the development which will be implemented and managed through the development and the long term. The proposals will create new faunal opportunities in relation to semi-improved grassland, hedgerows, treelines and woodland, bats, breeding birds, reptiles, common amphibians and to invertebrates. This would include further enhancement to Brown Hairstreak butterflies. There would be detailed schemes at Reserved Matters stage, informed by the outline planning consent and conditions. Due to the outline nature of the application the detail of the landscape and ecological enhancement would come forward as part of the Reserved Matters, however, the outline application submission and associated Environmental Statement form an appropriate basis for determination.
- 9.170. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

### Trees, Hedgerows and Green Infrastructure

#### *Policy Context*

- 9.171. The NPPF, at Paragraph 131, notes that Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.
- 9.172. Policy and associated guidance also set out to achieve a minimum of 40% of the site to be Green Infrastructure and the policy sets out that particular attention should be given to land to allow the production of food from community, allotment and/or commercial and community gardens.
- 9.173. Development should have a clear system of safe, accessible and attractive open and green spaces that respond to and enhance natural features across the site and integrate with the existing settlement. Play areas should be located where they are accessible to children and overlooked.
- 9.174. There should be areas where biodiversity is the principal outcome, such as the nature reserve, parts of the country park, and wildlife corridors and buffers. In addition, opportunities to maximise biodiversity in other green spaces should be taken.
- 9.175. The SPD sets out that planning applications should demonstrate a range of types of green space, for example wetland areas and public space in accordance with Policy BSC11. The SPD sets out to achieve that green spaces should be multi-functional, for example accessible for play and recreation, local food production (important due to the high carbon footprint of food), walking or cycling safely and support wildlife, urban cooling and food management, providing the policy principle is not compromised.

9.176. Retaining and reinforcing the existing hedgerows, trees and woodland on the site is a key development principle. The field boundaries and hedgerows divide the site into parcels. The hedges are to be largely retained in the masterplan proposals and provide both a constraint and opportunity for development proposals. They are an important feature in the local landscape and form the basis of the site's green infrastructure.

9.177. The SPD masterplan uses the existing field boundaries and hedgerows to give the layout of the proposed development structure. Hedgerows define the site layout recognising their landscape importance and contribution to biodiversity and habitat. They provide natural corridors throughout the site for wildlife but also for residents as part of the comprehensive cycling and walking network. The Landscape Strategy that supports the masterplan includes the following key landscape elements:

- Green loops as part of a linear park;
- Retained and reinforced hedgerows with a 20 metre buffer;
- Riparian zones along the stream corridors;
- Woodland copses; and
- Green "fingers" integrating green infrastructure into the development.

#### *Assessment*

9.178. The application proposals include approximately 48% green space and infrastructure through the application proposals which includes the retention of existing woodland, new green corridors through the development proposals and buffer zones.

9.179. The applicant, in the Design and Access Statement highlights that the application proposals are based on a series of key landscape/green infrastructure (GI) zones have been developed as an integral and iterative process with the overarching masterplan within the Design and Access Statement.

9.180. The key zones are as follows:

- Western fringe - new boundary hedgerow and small woodland copses, defining the western edge of development.
- Woodland and wooded edge - retained and enhanced woodland, with woodland edge planting to create diversity. A natural play feature is set within the existing woodland clearing.
- Stream meadow - area of meadow grassland and new pond, providing attenuation and habitat diversity. The wetland area compliments the adjacent stream corridor.
- Eastern parkland - area of wildflower grassland and clusters of trees to define the eastern edge of development. Areas for attenuation and play are integrated within the parkland.
- Green corridors - restoring, retaining and enhancing existing tree belts and hedgerow boundaries with appropriate new planting, routes and attenuation features.
- Pocket park - focal space at the heart of community, with central play area

9.181. In total the application includes as an illustration 10.11ha of green infrastructure within the masterplan that is broken down to 1.1ha of play (through LEAPs and a MUGA), 0.5ha of allotments, 8.51ha of general green space (including retained woodland).

- 9.182. It is expected that formal sports provision and burial space would be provided elsewhere, in accordance with the SPD expectations and therefore contributions would be sought to meet these needs.
- 9.183. As stated, the detailed design and assessment would be secured through the Reserved Matters submissions. The key buffers and designs to play space and in particular LEAPs and LAPs will need detailed design and agreement in terms of their position on site.
- 9.184. In terms of detail some concerns could be raised with regard to the northern boundary and the integration of play space in this location into the development with appropriate buffers and boundaries to the north however these would need to be discussed at detailed stages.
- 9.185. As such, the proposed level and range of Green Infrastructure could be considered to be acceptable and in accordance with the aims of the wider masterplan as set out in Policy Bicester 1 and the associated North West Bicester SPD.

### Drainage and Flood Risk

#### *Policy Context*

- 9.186. Nationally, Paragraph 167 of the NPPF guides that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- i. within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - ii. the development is appropriately flood resistant and resilient;
  - iii. it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - iv. any residual risk can be safely managed; and
  - v. safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 9.187. National Policy also guides that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a. take account of advice from the lead local flood authority;
  - b. have appropriate proposed minimum operational standards;
  - c. have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
  - d. where possible, provide multifunctional benefits.
- 9.188. Policy Bicester 1 and the associated North West Bicester SPD sets out the principles of how Sustainable Drainage and Water Management should form part of the development and that proposals should demonstrate how Sustainable Urban Drainage Systems (SUDS) and other appropriate measures will be used to manage surface water, groundwater and local watercourses to prevent surface water flooding. Policies ESD6 (Flood Risk Management), ESD7 (Sustainable Drainage Systems) and ESD8 (Water Management) are also important considerations. The policies are in

general compliance with National policy guidance and are therefore considered to be up to date.

### *Assessment*

- 9.189. The application is supported by a Flood Risk and Drainage Strategy as part of the Environmental Statement which has been updated and amended during the course of the application including the submission of a Flood Modelling Study.
- 9.190. The submission sets out that along the northern boundary of the western parcel there is a manmade field ditch which drains the northern part of the western parcel. This ditch drains to the north and is culverted beneath the B4100 and discharges into a tributary of Town Brook. Town Brook flows into a pond in the proximity of Caversfield House. The pond is approximately 30 m to the north of the Site's eastern parcel. Town Brook eventually flows alongside the eastern boundary of the eastern parcel. The rest of the western parcel drains to an unnamed watercourse which runs along part of the western parcel's southern boundary and forms a confluence with Town Brook at the south east corner of the eastern parcel. Town Brook continues in a southerly westerly direction towards the A4095 and Bicester town centre.
- 9.191. The application notes that the Town Brook (also known as Bure Brook or the River Bure) passes through Bure Park Local Nature Reserve and then through Bicester town centre. The Town Brook eventually discharges into the Gagle Brook (via Langford Brook), approximately 5 km to the south east of the Site.
- 9.192. The application sets out that during the construction phases measures such as water management and mitigation will be managed through the Construction and Environmental Management Plan (CEMP).
- 9.193. For the completed development, as the application is in outline, further details at a reserved matters will include a SuDS-based drainage strategy which will ensure that all surface water runoff is contained and controlled in accordance with the SuDS management train and the sustainable drainage hierarchy as per the OCC's Local Standards.
- 9.194. This Strategy will see the implementation of source control techniques and surface water drainage with increased runoff rates and volumes from the Development being mitigated using SuDS. These will ensure that flood risk is not increased downstream and will have been adequately sized (accounting for climate change) to provide attenuation storage in line with planning policy and LLFA requirements.
- 9.195. The SuDS will reduce runoff rates from the Development due to the application of greenfield rates, will aim to match the existing drainage regime as closely as is feasibly possible. Therefore, in the larger rainfall events, the rate of water running off from the Development is likely to be reduced.
- 9.196. As aforementioned, SuDS will be implemented within the surface water drainage strategy using the SuDS management train principles to avoid a 'pipe to pond' scenario and will therefore help to facilitate the removal of pollutants via filtration and retention methods. Runoff will be managed at source, with residual flows to drain to additional storage and treatment systems downstream. Suitable maintenance regimes are also proposed to be in place.
- 9.197. The comments from Thames Water have been noted and their suggested conditions are recommended. There were discussions through the application process relating to capacity whereby it is understood that there were indications that there may be more capacity than for 49 dwellings relating to foul water infrastructure. This has not been confirmed in a formal response from Thames Water. However, Officers believe

this matter could be resolved by continuing discussions and in seeking an update from Thames Water on this point. Ultimately, the imposition of conditions can be used to ensure that development is phased appropriately alongside any required upgrades to accommodate development within the water network.

- 9.198. The comments of the Environment Agency, CDC Drainage Advisors and the LLFA have been given full and careful consideration. Particular attention is given to the Environment Agency who note that in raising no objection to the outline drainage strategy proposed and its principles outlined in the submitted FRA, they do require conditions to be imposed.
- 9.199. As stated in the flood risk assessment, the Environment Agency will expect to see numerous SuDS being utilised on site with justifications provided where it cannot be used. When submitting information for detailed design review stage/reserved matters, calculations must comply with the County Council guidance such that 1 in 1, 1 in 30, 1 in 100 events is also provided along with 1 in 100 year event + 40% Climate Change allowance.
- 9.200. Overall it is considered that the application and Environmental Statement, as updated provide an appropriate basis for a positive determination on matters of flood risk and drainage principles. Further details will be safeguarded as part of the detail of the Reserved Matters and through conditions suggested by the Environment Agency and other consultees. Inclusion of water management through the construction management process would also be required by condition.

#### Ground Conditions, Noise and Air Quality

##### *Policy Context*

- 9.201. It is noted that Paragraphs 183-188 of the NPPF are relevant in terms of national guidance in determining planning applications.
- 9.202. In particular with respect to noise, Paragraph 188 states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.
- 9.203. On ground contamination it is guided that it should be ensured that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation) and that adequate site investigation information, prepared by a competent person, is available to inform these assessments.
- 9.204. In respect of air quality the NPPF guides that development should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.
- 9.205. Policy ENV12 of the Cherwell Local Plan 1996 sets out to ensure that development on contaminated land is appropriately mitigated and Policies SLE 4, ESD 1, ESD 3

and ESD 5 of the adopted Cherwell Local Plan 2011-2031 sets out to ensure that the development is managed in respect of the construction and operational phases of development. These policies are in accordance with the general objectives of the NPPF.

### *Assessment*

#### *Noise*

- 9.206. Having regard to the submission and the assessment of the application it is noted that the application has been assessed in detail by Environmental Health officers in respect of the noise climate and impact on neighbouring residents. The comments of residents from close to and adjacent to the development with regard to the potential impact of the development and construction traffic on the quality of the environment are noted and are a common issue with multi-phase development as new residents move into early phases. It should be noted that no building site can be completely silent however management of the construction process is an important consideration.
- 9.207. Environmental Protection Officers notes that having read the noise report provided they are satisfied with its contents and agree with its conclusions.
- 9.208. The proposals will need to ensure that, if approved, details of the suitable glazing and ventilation strategy should be agreed at the detailed design stage and that suitable conditions would be necessary. In addition careful consideration of the mitigation, layout, orientation of sensitive rooms etc. will need to be taken, in relation to development due to noise from the B4100, in particular.
- 9.209. It is also recommended that a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority.
- 9.210. Whilst detailed design information with regards to the layout and composition of the proposed development with regard to road noise, play areas and non-residential areas on the neighbouring sites is not available at this outline stage, particular consideration needs to be given towards the prevention of nuisance to such uses being in close proximity.
- 9.211. These impacts would be a matter of detailed design and understanding at the time of detailed application. Placing restrictions on such uses or matters at this stage, when detailed layouts have not been formed would be unnecessary and unrelated to the consideration of the outline application.
- 9.212. As such, a number of planning conditions would need to be progressed if the application is approved in the consideration of the application and environmental protection officers raise no objection in principle to the development.
- 9.213. Whilst the comments and concerns of residents have been noted, the application is considered to be in accordance with the requirements of Development Plan policy and national best practice.

#### *Contaminated Land*



- 9.214. The application is supported by site investigation reports following investigation in August 2020 and January 2021 and documentation which has been evaluated by environmental protection officers and found to be satisfactory.
- 9.215. Whilst the submitted reports constitute an appropriate assessment for the purposes of the outline application the submitted report recommends the following further works will be required including completion of the ground gas works and a materials management plan. These can be appropriately conditioned should planning permission be granted.
- 9.216. As such considering the submitted information, there is no reason to suggest that the land, by virtue of contamination, is unsuitable for the development proposed and would be in accordance with Policy and National best practice.

#### *Air Quality*

- 9.217. The application is supported by an Air Quality Assessment which is within the Environmental Statement. The Assessment outlines and considers the impact of the future development and the impacts through construction on existing residents, for example. It is noted that Environmental Protection Officers are satisfied with its contents and have no further comments.
- 9.218. The construction phase assessment has assessed the potential impact significance of construction activities of demolition, earthworks, construction and trackout, and the appropriate mitigation measures to reduce the impact risks have been discussed and recommended. These matters include measures such as dust suppression from construction activity, for example, which would form part of a Construction and Environmental Management Plan in particular.
- 9.219. In the Operational Phase the effects of changes in traffic flow as a result of the Development, significance is determined to be 'negligible' at all identified receptor locations. All Development receptor locations are predicted to be below the Air Quality Objectives.
- 9.220. Environmental Protection Officers also advise that a condition requiring the dwelling(s) hereby permitted are provided with a system of electrical vehicle charging points should be recommended in the event that planning permission is granted. It is noted that Building Regulations (Approved Document S) has recently been updated to require electric charging points on new dwellings.

#### *Conclusion*

- 9.221. The application is supported by site investigation, noise and air quality information that has been assessed and found to be appropriate by Environmental Protection Officers. The concerns raised by local residents and objectors have been carefully considered.
- 9.222. For the reasons set out above, the application and the associated Environmental Statement is considered to be appropriate and subject to conditions in the event that planning permission being granted which would manage construction mitigation and management in particular. The proposals are therefore considered to be in accordance with Development Plan Policy and National Policy Guidance when read as a whole.

#### Planning Obligations and Viability

#### *Policy Context*

9.223. In accordance with National Planning Policy, planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development

9.224. Policy Bicester 1 requires 30% affordable housing to be delivered across the site with associated infrastructure and contributions being sought in line with the Council's Planning Obligations Supplementary Planning Document and bespoke requirements relating to the specific circumstances to meet the requirements at NW Bicester.

#### *Assessment*

9.225. Contributions from this site have been requested and sought towards:

- Health provision
- Neighbourhood policing
- Community Buildings
- Community Development Workers and a fund
- Primary education
- Secondary education
- Secondary education land contribution
- Special educational needs
- Sports pitches (capital and maintenance)
- Burial ground
- Community Management Organisation
- Maintenance of community facilities
- Household waste receptacles and recycling points
- Bus services
- Public transport infrastructure
- Pedestrian/ Cycle Infrastructure
- A bridge crossing to the south
- A right of way contribution
- A contribution to the improvements required to the junction of Charlotte Avenue and the B4100
- A contribution to the improvements required to the junction of the B4100 and the A4095
- A Travel Plan Monitoring fee
- Bicester Leisure Centre
- Offsite biodiversity to mitigate for farmland birds
- A contribution towards the costs of the strategic infrastructure required at NW Bicester
- Library services

- Children's Centres
- Household waste recycling centres (from OCC)
- A Network Rail Shared Value contribution
- A contribution towards the forward funding used to fund the underbridges
- The requirement to provide for cultural wellbeing/ public art
- The requirement to monitor the development to the standards expected
- The requirement to provide for a training and employment plan and to commit the provision of apprenticeship starts
- 30% Affordable Housing
- The requirement to build to certain construction standards
- The requirement to achieve true zero carbon via a strategy
- The development would also be required to set out and then manage and maintain areas of open space and play areas
- A requirement to pay to both the District and County Councils a monitoring fee

9.226. Planning Practice Guidance highlights that where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Policy compliant in decision making means that the development fully complies with up to date plan policies. A decision maker can give appropriate weight to emerging policies.

9.227. Where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then.

9.228. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances including any changes since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment.

9.229. Any viability assessment should follow the government's recommended approach to assessing viability as set out in National Planning Guidance and be proportionate, simple, transparent and publicly available. Improving transparency of data associated with viability assessment will, over time, improve the data available for future assessment as well as provide more accountability regarding how viability informs decision making.

9.230. The applicant's case is that the delivery of the proposed site has been frustrated by viability issues, principally on the delivery of the Council's policy objectives of net carbon homes, the cost of the necessary infrastructure amongst other policy requirements such as 40% open space and 30% affordable housing. The applicant has submitted a viability appraisal which concludes that it would not be viable to deliver the development to a Policy compliant standard in all respects.

9.231. The applicant's initial work considered of three scenarios of build cost – North West Bicester traditional house building costs, house building costs based on future homes standard and house building costs based on True Zero Carbon (however, the TZC scenario is for homes built to future homes standard plus a contribution to offset the

remaining carbon). The applicant then tested each of the three scenarios of build cost against four affordable housing scenarios. Their conclusion being that just three scenarios would be viable, each of which based upon the scenario of build cost being a 'traditional house building cost'.

9.232. The applicant's offered contribution for carbon offset is based upon a cost of £60 per tonne which it is understood was accepted by the Greater London Authority some years ago. This, used with the predicted carbon left after achieving a future homes standard build has resulted in a contribution offered by the applicant.

9.233. The applicant's submission has been interrogated for the Council by a Viability Consultant and a Quantity Surveyor. Throughout this process, discussions have been ongoing with regard to the inputs to the appraisal (for example relating to benchmark land value, sales values, development mix and dwelling sizes, allowances for finance, professional fees and contingencies etc) and whilst some agreement has been reached on some inputs, there remains disagreement on some inputs such as:

- The applicant's position on land cost is that benchmark land value should be £200,000 per gross acre (albeit a suggested 'compromise' position of £175,000 per gross acre was also put to the Council) compared to the Council's advisor's position on BLV which is £150,000 per gross acre (allowing for the 'reasonable incentive for a landowner to bring forward land for development while allowing a sufficient contribution to fully comply with policy requirements' (PPG)). This is allowed for in the FVA prepared for the Council by its advisor.

9.234. The Council's advisor, in November 2022, has concluded that there is a viability gap of £6.35 million. This is based upon Q1 2022 build costs and values as well as the applicant's assumed S106 package, the Council's QS advised build costs (rather than the applicant's), the BLV of £150,000 per gross acre, their view on the inputs to the appraisal (some of which are agreed with the applicant as mentioned above) and the provision of 30% affordable housing with a split of 69% affordable rent and 31% shared ownership). This gap is lower than that anticipated by the applicant.

9.235. Through an interrogation of the build cost elements, Officers were advised of certain costs accounted for that appeared high or were costs related to the development of land at NW Bicester. This included a figure of just short of £6million for rainwater and grey water harvesting.

9.236. The Council's Viability Consultant has undertaken a number of sensitivity tests to assess the impact of key variables on development viability. They have tested:

- The impact of movements in both costs and values of both plus and minus 10%
- A Value engineered scheme including the removal of the costs for rainwater and grey water harvesting plus other cost reductions such as removing the requirement to provide fruit trees and passive ventilation
- An alternative scheme with slightly larger market homes and some 5 bed dwellings to reflect a potentially likely scheme that could come forward (due to concerns that the scheme costed includes small dwellings).
- The update of costs from Q1 2022 to current day costs and sales values.

9.237. The value engineered scheme sensitivity test indicates that the viability gap could almost be closed by removing certain elements of the build cost. With some further adjustments to this scenario (i.e. to the S106 costs or the inclusion of Future Homes), that the proposal could deliver a true zero carbon development (FHS dwellings plus

a contribution) and 30% affordable housing (with the rental units based upon affordable rent).

9.238. In seeking to move matters forward, the applicant made an offer to the Council based upon a mid-point position which, in summary offered 10% affordable housing and all S106 contributions as they understood them. However, following further consideration, including the Financial Viability Appraisal of the Council's advisor, has indicated that they wish to negotiate further and that, subject to understanding the Council's final position on the S106 heads of terms, may accept the inputs to the appraisal as considered appropriate by the Council's advisor.

9.239. In reviewing their position on this point, using the Council's advisors inputs to the appraisal and in updating the costs and values to a Q4 2022 position, the Applicant anticipates that the scheme could deliver in the order of 10-15% affordable housing. This also assumes a value engineered approach to the build cost.

9.240. S106 costs have latterly been provided to the applicant for their consideration. Officers have reviewed the contributions sought and have considered what changes could be made to assist viability. This is assessed further below.

9.241. It is therefore necessary to consider the outcome of this and conclude as to whether this, as a negotiated position, can be accepted and what approach might be available to ensure that this position can be reviewed to capture any additional value that might be available.

#### **Inputs to the appraisal including updates to Q4 2022**

9.242. On the basis that the applicant intends to update their appraisal to accept all of the Council's advisor's inputs to the appraisal, Officers consider that the appraisal will be based upon an acceptable baseline. This includes the benchmark land value.

9.243. However, their view is that it is necessary to update the costs and values inputs to the latest available baseline costs to ensure that at the point that the application is considered at Committee, that the scheme viability is understood. This is also important considering the economic uncertainty being faced which is impacting build costs and property values. Officers are not averse to this and agree the principle, however those inputs to update this are not yet agreed. With regard to the build cost, Officers have been advised that it would be acceptable to update those costs to the most up to date base costs as set by the BCIS index. However, with regard to values, Officers have been advised by its advisor that the applicant's proposed approach would not be acceptable. They wish to use a land registry index for the Cherwell area, which indicates values have increased by 2.72% between Q1 2022 and Q4 2022. The Council's advisor considers this to be too crude of a way of assessing value increases and that a bespoke approach to consider values in Bicester should be adopted which would more closely reflect values seen in the town.

9.244. Further assessment will therefore be undertaken once this point is agreed.

#### **Build cost and standard**

9.245. As mentioned above, build costs have been assessed on both a traditional build cost and a future homes standard cost (as far as can be assumed at this point). However, there were some costs within the build cost, which appeared to go beyond the future homes standard. Through a consideration of what a value engineered approach might result in, as well as the position more generally on Viability (i.e. that the scheme is not viable and that it is likely that a Policy compliant level of Affordable Housing cannot

be met), Officers conclude that costs associated with the following should not be included for the following reasons:

- The rainwater/ grey water harvesting proposed is costed at just short of £6m and it is understood is reflective of what is provided for in this respect on the scheme at Elmsbrook. This reflects the requirements of the SPD which expects development to be ambitious with regard to water with ambitions towards water neutrality and reflective of the fact that this area is in an area of water stress which is also a key risk in future climate scenarios. Rainwater harvesting at a property level is identified as an 'option' for the dwellings at NW Bicester through the SPD. Whilst this cost identifies an ambition to contribute to water neutrality and is welcomed by Officers, it is also a significant cost that impacts viability and the schemes ability to provide for affordable housing. There may also be other, cheaper options to contribute towards reducing potable water demand which have not been explored. This cost is not related to the scheme's ability to achieve True Zero Carbon but is related to other sustainability/ climate change aspects of the development. Its removal from the build cost is therefore recommended. The requirement to achieve a water efficiency target of 110 litres/ person/ day in accordance with Policy ESD3 which is higher than the Building Regulations would continue to be imposed to ensure that the development contributes to reducing water use in light of the fact that the District is within an area of water stress.
- The SPD identifies that passive design principles could be included to incorporate best practice on overheating which relates to Development Requirement 3 around Climate Change mitigation. A number of examples are indicated as to how development should incorporate best practice including – tackling the impacts of climate change on the built and natural environment, using urban cooling through green infrastructure, orientation and passive design principles, water neutrality measures and meeting minimum fabric energy efficiency standards amongst others. At Elmsbrook, planning condition 11 identified 20 plots where the house designs were to be constructed with passive ventilation and thermally massive floors. This is around 5% of the 393 dwellings permitted there. The reason for the condition was to test the delivery of innovative energy efficient houses. The applicant has therefore assumed 5% of the dwellings on the site to be provided with passive ventilation and this is costed at £245,160.00. Whilst testing of innovative techniques would be supported; in the overall balance where the scheme is unviable and affordable housing is at risk, Officers consider that additional measures should not be pursued. The way that the scheme is adapted to relate to future climate scenarios would still be considered through the design of the scheme (such as orientation) as well as through the provision of green infrastructure, sustainable drainage techniques, seeking to ensure excellent fabric energy efficiency and through water reduction measures as assessed above.
- The SPD identifies that in respect of homes, the designs will need to encourage more sustainable ways of living through various ways (such as providing space for recycling and composting facilities, providing for easily accessible cycle storage areas, greywater use, rainwater harvesting etc) including providing gardens and food production and biodiversity (for example, fruit trees, wildflower meadows and log piles). At Elmsbrook, planning condition 35 required a scheme to enable each new resident to choose a fruit tree for their garden or to be provided elsewhere on the site. This was to mitigate the impact of the development and provide biodiversity gain. The applicant has therefore assumed that it will be necessary to provide a fruit tree for each new dwelling which is costed at £101,923.00. Whilst this element of the proposal would have a positive impact on the scheme, it is further the case that in the overall balance

where the scheme is unviable and affordable housing is at risk, that this could be a cost saving overall. As above, the design of the development will take into account the need to provide for a sustainable design and careful consideration can be given to factors such as ensuring that sustainable modes of transport are optimum etc. The provision of fruit trees could also be negotiated through detailed landscaping schemes within public open space areas or allotment areas without the cost needing to be attributed to each individual dwelling.

- The applicant has included a cost of £272,400.00 as costs associated with lifts to apartments which assumes that all homes must meet lifetime homes standards. Lifetime Homes minimum space standards are identified as a requirement for all homes by the SPD and Policy Bicester 1 identifies that the 'layout should achieve Building for Life 12 and Lifetime Homes Standards'. It is understood that the Lifetime Homes Standard has been broadly replaced by the optional Building Regulations M4(2) 'accessible and adaptable dwellings' standard. The Council's Developer Contributions SPD identifies that 50% of affordable rented dwellings will need to meet the M4(2) requirement (and that 1% of the house housing should be built to M4(3) requirements). The achievement of M4(2) sized dwellings for all properties (broadly equivalent to the Lifetime Homes Standard as required by Policy Bicester 1) would impact build cost and this is clear based on the costs associated with lifts to all apartments. Officers consider that this cost would not be required for all apartments, again balanced against the overall picture on viability and impact on affordable housing. This cost may not be able to be removed in its entirety though as the required standard for affordable housing should be pursued to ensure that it is delivered to meet needs.

9.246. Whilst Officers accept that removing these costs is regrettable, it is clear that these costs are impacting viability such that if retained, the level of affordable housing is reduced. These costs appear not to be related to the achievement of True Zero Carbon at the site but instead appear to be related to wider sustainability aspirations and are largely presented as 'options' through the SPD. The importance of those wider sustainability aspirations must not be ignored in meeting the ambitions for NW Bicester as a whole but, where there is a demonstrable viability gap, the achievement of a Policy compliant development before features over and above this is recommended and this value engineered scheme is therefore recommended to be the cost basis.

9.247. It is relevant to note here that the Council's advisors position was that there is a viability gap of £6.35m and removing the above elements of build cost would make a significant contribution to closing this gap. Whilst it might therefore seem that with some further modest changes to the S106 requested obligations and to affordable housing, that it might be possible to close the gap and protect the delivery of 30% affordable housing, it is understood that this may not be the case when updating all inputs to the appraisal to a Q4 2022 basis. Further assessment to finalise this matter is therefore required to understand both the gap at this baseline and then what certain changes to the appraisal do to the scheme viability.

### **S106 obligations**

9.248. The Applicants have assumed a S106 package which was based upon advice from Officers at the pre-application stage and this was based upon costs used elsewhere for NW Bicester using work undertaken some years ago. This is then used within the Council's Advisor's work in the absence of further confirmation from Officers. However, this is a matter that Officers have now reviewed in light of requests made by Consultees and in reviewing the contributions sought against the Developer Contributions SPD. The broad list of Heads of Terms sought are repeated below and

this assesses what has been assumed and what contribution should be secured to assist the scheme viability. Further detail will then be set out at Appendix 1 of all contributions to be retained as to how each contribution meets the CIL Reg tests which form the recommended heads of terms to be secured as a minimum by this scheme.

- Health provision: the applicant has assumed a cost of £259.46 at 2Q17 per dwelling which aligns with the cost secured in other S106 agreements relating to NW Bicester based upon historic work. However, the Council's Developer Contributions SPD sets out a cost of £360 per person at 2Q17 costs. This cost has been sought by the NHS Buckinghamshire, Oxfordshire, Berkshire West Integrated Care Board and, in order to ensure that the ICB are able to fund the provision of health care services to meet the needs of the population, it is recommended that the higher cost of £360 per person at 2Q17 costs is sought. The total cost for this item has then been re-indexed to give a figure at December 2022 as set out in the Heads of Terms list at Appendix 1.
- Neighbourhood policing: the applicant has assumed a cost of £151.30 per dwelling at 2Q17 which aligns with the cost secured in other S106 agreements relating to NW Bicester. Whilst Thames Valley Police have not sought a contribution from this scheme, for consistency across the NW Bicester site and to align with requests made to other sites (on the same cost basis as above), Officers consider that this cost should be retained as set out. The total cost for this item has then been re-indexed to give a figure at December 2022 as set out in the Heads of Terms list at Appendix 1.
- Community Buildings: the applicant has assumed a cost of £1050.94 per dwelling at 2Q17 which aligns with advice from Officers which was based upon historic work for development to the north of the railway line at NW Bicester. The Council's Developer Contributions SPD assumes a cost for community building infrastructure of £580 per person at 2Q17 costs. Officers have therefore taken the SPD cost despite this being higher to ensure that community facilities can be constructed which meet the needs of the population. However, the applicant has been asked to provide a signalised crossing of the B4100 to access St Lawrence Church at Caversfield and this has been costed at £100,507.00 (accounted for in the Cost Plan). It is proposed to deduct this cost from the overall contribution towards community buildings as access would be improved to the church for the community and this may give opportunities for its greater use. The resultant cost is higher than assumed by the applicant and the total cost for this item has then been re-indexed to give a figure at December 2022 as set out in the Heads of Terms list at Appendix 1.
- Community Development Workers and a fund: the applicant has assumed a contribution based upon £347.46 and £45.29 per dwelling at 2Q17 costs which aligns with the cost secured in other S106 agreements relating to NW Bicester which assumes two community development workers are in post for 20 years in a full time capacity and then a further 4 years in a part time capacity. This is far in excess of the Council's Developer Contributions SPD which requires (even with this development combined with the rest of NW Bicester), a worker at 0.8FTE would be required for 2.5 years. The benefit that a Community Development worker would bring is important in supporting the social development of the new community. But, in a scenario where a development is unviable, Officers recommend that a contribution towards this support is **NOT** pursued to assist in the viability of the scheme.
- Primary education: Oxfordshire County Council seek a total contribution of £5,030,076 (base of BCIS All-In TPI 327). Officers consider this contribution is



required as it is based upon OCC's rates per pupil to provide capacity at Gagle Brook Primary School. OCC also acknowledge in their comments that the Gagle Brook school benefitted from forward-funding from Cherwell District Council and therefore it is currently being clarified whether the requested contribution includes a payment towards re-paying the forward funding. Officers will liaise with OCC to ensure the cost is based upon the most recent index possible.

- Secondary education: Oxfordshire County Council seek a contribution of £3,360,870 (base of BCIS All-In TPI 327). Officers consider this contribution is required as it is based upon OCC's rates per pupil to provide secondary school capacity at a new school on the NW Bicester site. Officers will liaise with OCC to ensure the cost is based upon the most recent index possible.
- Secondary education land contribution: Oxfordshire County Council seek a contribution of £299,970 (base of RPIX November 2020). The land required for the secondary school is elsewhere on the NW Bicester site and OCC advise that this development would be expected to contribute proportionately towards the cost of this land. Officers have queried this contribution with OCC but if it is required, then Officers will liaise with OCC to ensure the cost is based upon the most recent index possible.
- Special educational needs: Oxfordshire County Council seek a contribution of £260,249 (base of BCIS All-In TPI 327). Officers consider this contribution is required as it is based upon OCC's rates per pupil for special education needs provision and to meet expected demand from a development of this scale. Officers will liaise with OCC to ensure the cost is based upon the most recent index possible.
- Sports pitches (capital and maintenance): the applicant has assumed a cost of £478.03 per dwelling at 2Q17 costs which aligns with the cost secured in other S106 agreements relating to NW Bicester based upon historic work. However, the Council's Developer Contributions SPD sets out a cost of £2,017.03 per dwelling at 2Q17 costs. In order to ensure that sufficient funds are available to provide the outdoor sport facilities elsewhere on the site, it is considered necessary to seek the higher cost. This could impact viability further without other costs being reduced. The total cost for this item has then been re-indexed to give a figure at December 2022 as set out in the Heads of Terms list at Appendix 1.
- Burial ground: the applicant has assumed a cost of £10.06 per dwelling at 2Q17 costs which aligns with the cost secured in other S106 agreements relating to NW Bicester based upon historic work. In the absence of another cost, this cost remains relevant and should be secured. The total cost for this item has then been re-indexed to give a figure at December 2022 as set out in the Heads of Terms list at Appendix 1.
- Community Management Organisation: the applicant has assumed a cost of £1417.91 per dwelling at 2Q17 costs which aligns with the cost secured in other S106 agreements relating to NW Bicester based upon historic work. The intention has always been to seek contributions to enable the establishment of an organisation to enable community governance across the site which was costed for a 30 year period. In order to assist viability, Officers have considered this proposal further and determined that as this development is an early phase of the overall development, that it would be reasonable to reduce the costs of this contribution to account for a 10 year period only. In this way, a contribution is still made to the CMO proposal but at a third of the cost assisting with the viability gap. As such, Officers advise that the **amended** contribution as set out

in Appendix 1 (with the total figure re-indexed to give a figure at December 2022) be secured.

- Maintenance of community facilities: the applicant has assumed a cost of £394.07 per dwelling at 2Q17 costs which aligns with the cost secured in other S106 agreements relating to NW Bicester based upon historic work. The cost relates to long term management and maintenance of community halls, allotments and the community farm planned elsewhere at NW Bicester for a 30 year period as the costs were derived from the work to establish the costs for a CMO assuming that they would take the lead in managing those facilities. This ongoing maintenance of community facilities will be required and so Officers advise that this contribution continue to be secured as set out in Appendix 1 (with the total figure re-indexed to give a figure at December 2022).
- Household waste receptacles and recycling points: the applicant has assumed a cost for this which is slightly lower than the figure requested in the Council's Developer Contributions SPD (£111 - £106 for bin and collection vehicle provision and £5 towards recycling banks). However, Officers consider that this cost can be deducted from the S106 costs and that a condition or S106 requirement can be imposed to ensure that households are provided with sufficient waste facilities prior to occupation. This will continue to ensure that the ambitions for the site in terms of reducing waste to landfill and ensuring that waste is dealt with sustainably can be met. Officers therefore advise that this cost **NOT** be pursued through S106.
- Oxfordshire County Council have sought contributions towards sustainable transport promotion including to provide for public transport services and infrastructure, pedestrian and cycle infrastructure offsite, towards a bridge to cross the water course to enable connections to the land to the south and towards new and improved public rights of way within the vicinity of the site as well as to monitor the required travel plan. OCC have confirmed that there is no flexibility in their requests for these items of infrastructure. Officers agree that the contributions should be secured as requested. A key part of achieving sustainable development at NW Bicester is to contribute to the achievement of ambitious modal shift targets and more generally, planning policy at the local and national level confirms that development must promote sustainable transport. In this context, it would be difficult to justify a reduction in S106 costs sought towards sustainable transport improvements. As such, Officers advise that the costs as set out in Appendix 1 (albeit Officers will liaise with OCC to ensure the cost is based upon the most recent index possible) should be secured.
- A contribution to the improvements required to the junction of Charlotte Avenue and the B4100 has been requested by OCC. OCC originally objected to the scheme on the basis that they questioned whether there would be sufficient capacity at the Charlotte Avenue junction to accommodate the traffic from the development. Improvements to the junction through signalisation are known to be required as a result of wider NW Bicester development as an access to a much larger area of development. On the basis that this improvement would require careful design and modelling in conjunction with the upgraded B4100/A4095 junction, OCC request a proportionate contribution towards the future upgrade of the junction. Officers therefore agree that this contribution should be secured (this is set out in Appendix 1, albeit Officers will liaise with OCC to ensure the cost is based upon the most recent index possible).
- A contribution to the improvements required to the junction of the B4100 and the A4095: Oxfordshire County Council have sought a contribution of £278,330

(index linked Baxter from December 2020) towards the proposed improvements at the Banbury Road roundabout. It is understood that this work will be forward funded (including with some Garden Town Funding), however Officers have not received confirmation as to whether this can be treated as grant and thus not re-paid where there is a viability case. In the absence of confirmation as to whether this is required to be re-paid, Officers advise that this figure be retained as a S106 cost unless otherwise advised. Officers will liaise with OCC to ensure the cost is based upon the most recent index possible.

- Bicester Leisure Centre: the applicant has assumed a cost of £493.00 at 2Q17 costs towards improvements towards indoor sport provision at Bicester Leisure Centre. This cost aligns with the contributions secured from other sites at NW Bicester but is lower than the cost that would be required should the contribution be based upon the Council's Developer Contributions SPD. In discussing this contribution with the Leisure and Recreation team, Officers have been advised that the contribution could be lowered to relate onto to the swimming pool element of the cost due to an ongoing project aiming to deliver improved swimming pool provision at the leisure centre. Officers consider that this lower contribution should therefore be pursued as set out at Appendix 1.
- Offsite biodiversity to mitigate for farmland birds: the applicant has assumed a contribution towards a biodiversity offset scheme to mitigate for farmland birds as has been secured from other NW Bicester sites. This was identified through the strategic environmental work to support the whole NW Bicester Masterplan which set out that 'it was accepted at an early stage that the Masterplan site was of value to farmland birds and that these species could not be accommodated within the Masterplan design'. The proposal was to secure funds to enhance local habitats for farmland birds and work was undertaken to anticipate a cost which could be proportionately shared across the site. As is assessed earlier, the site is able to (subject to this being secured appropriately) achieve a net biodiversity gain and the applicant's EIA found no ground nesting farmland bird of conservation concern on site during the most recent survey work and found that the conditions on site were not typically favoured by ground nesting birds. On this basis, whilst the site would not make its proportionate contribution towards this mitigation identified, the site itself would cause limited impact on farmland birds and therefore in order to assist viability, Officers consider that this contribution should **NOT** be pursued.
- A contribution towards the costs of the strategic infrastructure required at NW Bicester has been accounted for, with the applicant proposing a contribution of £3,117,646 (indexing to be confirmed) in the absence of a figure having been sought. OCC have considered the figure proposed and in considering this have confirmed that this should cover phase 2 works (the bulk of the works required for the A4095 realignment). It is not known whether this total cost would also cover phase 3 (a bus link at the south of the site and the treatment of the existing Howes Lane) works but those works are not yet costed so it would be difficult to justify an alternative. On the basis that OCC accept this cost and that a contribution towards this infrastructure is required as a proportionate contribution towards those strategic works, Officers consider that this contribution should be pursued as set out in Appendix 1.
- OCC have sought contributions towards library services and household waste recycling centres. Officers have accounted for these in appendix 1 but have queried whether there are any savings to be made against these requests bearing in mind the overall viability picture. Officers seek delegation to amend/remove these requests should that be possible and for this to be taken into account in the minimum level of affordable housing to be secured.

- OCC sought a contribution towards Children's Centres but have since confirmed that this contribution is not required. On this basis, this is not accounted for in Appendix 1.
- A Network Rail Shared Value contribution has not been accounted for by the applicant but it is a cost that OCC are obliged to seek based upon their Property agreement with Network Rail (related to the underbridges already delivered). The relevant Shared Value payment would be approximately £768,500, however, the OCC agreement with Network Rail acknowledges that 'compliance with the Council's obligations to its funders and the securing of Reg 122 infrastructure will be prioritised over obtaining any agreement for Shared Value Contributions in applicable S106 obligations'. On the basis that the scheme is unviable and the scheme cannot be entirely Policy compliant, OCC have confirmed that a Network Rail Shared Value contribution can not be pursued. This would be in the interest of retaining value in the scheme for the purpose of mitigating the impacts of the development and achieving closer to policy compliant development than could be achieved should this payment be required.
- A contribution towards the HIF forward funding used to fund the underbridges has not been accounted for by the applicant and OCC have latterly confirmed that this does not need to be recouped via S106 based upon their agreement with Homes England.
- The requirement to provide for cultural wellbeing/ public art: this is a S106 requirement but has not been allocated a cost in the viability appraisal.
- The requirement to monitor the development to the standards expected: this is a S106 requirement but has not been allocated a cost in the viability appraisal.
- The requirement to provide for a training and employment plan and to commit the provision of apprenticeship starts: this is a S106 requirement but has not been allocated a cost in the viability appraisal.
- 30% Affordable Housing – assessed below
- The requirement to achieve true zero carbon via a strategy – assessed below
- The development would also be required to set out and then manage and maintain areas of open space and play areas: this matter has not been allocated a cost in the viability appraisal and Officers have queried this with the applicant because it will result in a cost through either commuted sums should areas be transferred to the Council or through safeguarding funds should a Management Company arrangement be pursued.
- A requirement to pay to both the District and County Councils a monitoring fee: OCC have not confirmed their fee but Officers seek £10,000 for the District Council to monitor the development.

The applicant has included the following which have either been queried or advised as not required:

- Howes Lane Interim Scheme was proposed to increase transport capacity to accommodate the development in advance of the strategic infrastructure. OCC advised that the scheme would not provide enough of a benefit to justify the cost and disruption to the network. The scheme was therefore not pursued and OCC do not object to the development on transport grounds. As such, this cost will need to be removed from the S106 costs.

- The applicant included a contribution towards a sports pavilion. This was not requested as previously it was assumed that the developments to the south of the railway line would contribute to this and a community facility at the south. As such, Officers have not sought a contribution towards this piece of infrastructure as removing this cost should help the viability of the scheme.
- The applicant accounted for a cost to adopt unallocated parking bays. This cost was not requested by OCC and it is not clear whether this would be required as it is not clear if they would be within an area that OCC would adopt. This cost has therefore been recommended to be removed as a S106 cost, however OCC have advised that any later highways agreement may legitimately consider this matter depending upon the specifics of the case.
- The applicant has accounted for a cost towards 'local road improvements' however Officers are unclear what these are and whether these are legitimately a S106 cost or whether they are a build cost. The cost included has not been sought by OCC, however this matter may require review depending upon what the cost is intended to cover.
- The applicant proposed a contribution towards local village traffic calming measures. This was not sought by OCC and therefore Officers have advised that this contribution be removed from the S106 requirements.

9.249. Officers are mindful that there is a minimum level of infrastructure required to make a scheme acceptable in terms of mitigating its impacts. Through its review of the S106 requirements, Officers have sought to establish the minimum level of infrastructure that would be required in this respect also seeking to ensure that the impact of the viability gap does not mean the loss of affordable housing only. Should Members disagree with the Officer view on these elements then further work could be undertaken to review this, however where S106 costs increase, then the level of affordable housing that could be secured would fall.

### **Affordable Housing**

9.250. The applicant anticipates an affordable housing level of 10-15% based upon their understanding of the position. The final level of affordable housing is still to be concluded through further assessment work as highlighted above and using the S106 costs confirmed by Officers. This level falls significantly short of the Policy Compliant level of affordable housing required by Policies BSC3, Bicester 1 and the NW Bicester SPD and Officers are mindful of the significant pressing need for affordable housing for the District. However, Officers are also mindful that where a viability gap is proven and accepted, that a solution must be reached and that this must consider all matters. Should Members wish to secure additional affordable housing, then the S106 costs would need to be varied further and/ or a lower build cost standard achieved. Officers have reached a recommendation which seeks to provide for a balanced approach.

9.251. The basis for affordable housing has been to secure affordable rented dwellings and to retain the split within the overall number to be 70% rented and 30% intermediate. First Homes has not been modelled and it is understood that social rent would impact viability still further. Officers consider that further work can be undertaken through the S106 negotiation process to ensure that the minimum provision for affordable housing can be maximised in both number, mix and type and to work with the Strategic Housing Team to identify what type of dwellings are most needed to ensure that what is secured is most beneficial – albeit this could impact build cost/ values and could result in a lower overall percentage. Officers are unable to advise on this level of detail at this stage and therefore recommend that Members support a broad level of 10-15% affordable housing with delegation provided to Officers to secure a minimum within

this range and to negotiate the detail of this provision working alongside the Strategic Housing team.

### **True Zero Carbon**

- 9.252. As indicated previously, the applicant's proposal is to construct the dwellings to Future Homes Standard which falls short of the True Zero Carbon requirement and is a standard that will be introduced through the Building Regulations which it is understood will therefore be the required build standard for any new development from 2025 (some amendments have been introduced already starting from the 15 June 2022). The applicant then offered a contribution of £543,600 based upon £60 per tonne to offset the remaining carbon to achieve the True Zero Carbon requirements.
- 9.253. The Council's Sustainability advisors, Bioregional, have identified that a cost of £60 per tonne is unlikely to be sufficient to offset the required carbon, especially as this figure was adopted some years ago by the Greater London Authority and a more sophisticated approach to calculating a contribution should be adopted which acknowledges that the level of carbon needing to be offset over time should reduce (taking into account energy generally becoming 'cleaner') but that the cost overtime to offset would likely increase. Using this methodology, a greater contribution would be required and this would further impact the scheme viability.
- 9.254. At this point in time, the Council does not have an agreed contribution rate for carbon offsetting or a scheme to spend any contributions that it might secure in this way. Such a scheme could see significant financial contributions made to it if other developers were to rely on such an approach and it would become the Council's responsibility to offset the required level of carbon to ensure developments met the standard. This would be a significant burden for the Council now (that is not to say that such a scheme could not be secured in the future but in this respect, it could be appropriately planned to ensure that contributions are appropriate in terms of cost and how they are spent to achieve the benefit required).
- 9.255. In this case and based upon the current situation, Officers consider that it is appropriate to secure the £543,600 offered by the applicant but, that rather than this be secured as a contribution payable to the Council, that this be secured as a fund for use on the site to provide for tangible benefits over and above what the development would achieve in meeting the future homes standard. This might include additional PV or even better fabric efficiency on some or all dwellings to result in a scheme which goes beyond future homes standard (and therefore what is expected will result on all other sites anyway) albeit that this will likely not reach the true zero carbon standard. It is proposed that this contribution be secured through a schedule which requires a strategy to show how each phase of development will contribute, as far as possible to the true zero carbon standard (albeit acknowledging that this standard may not be achievable).

### **Approach to viability moving forward**

- 9.256. Given the solution recommended and the relatively low level of affordable housing that it is anticipated can be secured at this stage, as well as the outline nature of the scheme at this stage, uncertainties in costs and values and certain assumptions made at this stage which are questioned (such as the size and mix of dwellings), it is recommended that the S106 includes a viability review mechanism. The timing of this would be at each reserved matters stage (including the first) to ensure that any improvement in value generated by a more optimum scheme that might be brought forward at the reserved matters stage can be captured and ensure that the actual proposals in terms of reaching the true zero carbon/ sustainability standards can be

accounted for. This would be an upward only review process meaning that the minimum level of infrastructure secured at the outline stage would not be lost but that where additional value is generated, that this would be used to secure additional affordable housing up to a maximum of a policy compliant level. Should further value be identified then Officers would recommend that this be used on site to further improve the build standards (in preference to seeking S106 obligations that it is advised that are dropped as identified above).

### *Conclusion*

9.257. Officers have carefully considered the viability case and have balanced all requirements at NW Bicester to seek to recommend a solution to the viability issue which enables all Policy requirements to be met without one area being lost entirely. The review mechanism suggested would also ensure that should circumstances change where development viability improved and based upon the specifics of a scheme at a reserved matters stage, that additional affordable housing up to a maximum of a policy compliant level could be secured (and that if the development was still more viable that other sustainability measures could be secured). However, it is necessary to advise that if the development viability did not improve or was worse than anticipated, that the recommended solution may be all that is deliverable by the scheme.

9.258. The balanced solution to the viability gap is recommended to be:

- 10-15% Affordable Housing (final % to be confirmed once further work has been undertaken as the minimum to be secured)
- A S106 package as set out in Appendix 1 which sets out the recommended Heads of Terms taking into account the assessment above (final HoT to be confirmed once some queries have been dealt with as set out above)
- The development built to Future Homes Standard with the applicant's offered contribution of £543,600 set aside and identified for use on site to enable additional benefit to the site over and above the development achieving Future Homes Standard.

9.259. Whilst this solution to the viability gap does not meet Planning Policy requirements in a number of ways – i.e. it does not achieve Policy compliant levels of affordable housing, it does not provide for all sought S106 obligations and it does not achieve the build standards required at NW Bicester, Officers consider that the approach recommended ensures that the scheme responds to each of the Policy requirements for the site as far as it possibly can based upon the information before it taking into account that with all requirements, the scheme would not be viable.

9.260. The recommended solution, acknowledging that there is conflict with the Development Plan, must then be weighed in the overall planning balance taking into account all positive benefits and negative impacts of the development when assessed as a whole in order to reach a reasoned recommendation for the scheme.

### The Environmental Statement

#### *Policy and Legislative Context*

9.261. The Environmental Statement is a mechanism for assessing the significant environmental impacts on the development proposals and the mitigation attached to these areas. The applicant's conclusions and assessment within the Environmental Statement (and summarised at Chapter 15) is considered to be accurate and an appropriate response to the issues on the site and cumulatively when considered with developments in the area.

9.262. Impacts are defined as changes arising from the Proposed Development, and consideration of the result of these impacts on environmental receptors enables the identification of associated effects, and their relative significance. The significance of each effect has been identified both before and after mitigation measures have been applied. Effects after mitigation are referred to as 'residual effects'. Consideration of effect significance has given due regard to the following:

- extent (i.e. local, regional or national) and magnitude of the impact;
- effect duration (whether short, medium or long-term);
- effect nature (whether direct or indirect, reversible or irreversible);
- whether the effects occur in isolation, are cumulative or interactive;
- performance against environmental quality standards and in the context of relevant legislation, standards and accepted criteria;
- number of receptors affected;
- sensitivity of receptors;
- compatibility with environmental policies; and
- professional experience and judgement of the assessor.

9.263. Definitions of the standard terms are provided as follows:

Relative significance of effects (in each case to an environmental resource or receptor):

- negligible - imperceptible effects;
- minor - slight, very short or highly localised effect;
- moderate - limited effect (by extent, duration and/or magnitude); and
- major - considerable effect (by extent, duration and/or magnitude) for example of more than local scale or in breach of recognised acceptability, legislative or policy standards;

Nature of effects (in each case to an environmental resource or receptor):

- adverse - detrimental or negative effects;
- neutral - effects that are neither advantageous or detrimental; and
- beneficial - advantageous or positive effect.

9.264. Moderate and major effects are generally considered to be 'significant' for the purposes of the EIA Regulations, in accordance with standard EIA practice.

9.265. In accordance with the requirements of Regulation 29 of the Environmental Impact Assessment Regulations. The summary of the residual impacts has been measured by the applicant.

9.266. There have been no areas where consultees have advised that the Environmental Statement and the associated assessment has required amendment or alteration to the characterisation or the methodology applied. This includes all statutory consultees and the assessment of cumulative impacts.



9.267. The Application and Environmental Statement should not be considered as an opportunity to re-rehearse or assess matters of the allocation of the site as this and the associated Strategic Environmental Assessment have been found sound through independent examination.

## **10. PLANNING BALANCE AND CONCLUSION**

10.1. Sustainability is the golden thread that runs through the National Planning Policy Framework and this is reflected in the policies of the adopted Cherwell Development Plan. The three strands of sustainability are economic, social and environmental as set out at Paragraph 8 and 9 of the NPPF.

### **Positive Benefits – Economic**

10.2. The proposals will contribute significantly to the Council's Housing Supply in terms of the short and medium term due to the size and duration of the project. The proposals support the Council's Growth strategy and provides support to the Development Plan. These elements, in accordance with decisions of similar sized projects should be afforded very substantial positive weight.

10.3. The proposals will create construction jobs and also support facilities and employment in businesses, shops and services within the area and mixed use employment areas within the wider application proposals. Due to the scale of the development these should also be afforded substantive positive weight.

### **Social**

10.4. The proposals will provide affordable housing at a tenure providing housing for those in need and a significant social benefit. The social benefits of the housing elements are considered to be a significant positive element.

10.5. The proposals would also provide significant social benefit from on site recreation and play facilities which would be at the level expected by policy. The provision of other green infrastructure would also be of significant community benefit to future residents and provide recreational opportunity and routes.

10.6. Through s106 contributions the proposals would result in a range of community based infrastructure being supported across the wider NW Bicester site which would also be of significant benefit.

10.7. The provision jobs and employment in terms of supporting jobs and opportunities is also considered a significant community and social benefit.

### **Environmental**

10.8. The creation of new green infrastructure alongside carries significant positive benefit.

10.9. The retention of trees and landscape features around the boundary and providing the structural link to the history of the site are substantive positive benefits. The retention and management of the trees for landscape and ecological benefit are given positive weight. The proposals also committing to a minimum of 10% biodiversity net gain which also carries significant positive weight.

10.10. The proposals commit to the provision of a development that will progress to zero carbon and adopting the latest best practice in seeking to develop the site through a stepped approach to energy, which includes a fabric first approach, a stepped move away from fossil fuelled heating, low carbon heating technology, and the incorporation of renewables (e.g, air source heat pumps and photovoltaics). Other initiatives will

include electric charging points and development of low energy that will exceed a carbon reduction above the current levels. As explained above, whilst the proposals would not achieve the policy objective of true net zero carbon development but the positive progression towards net zero and to be built to Future Homes Standard should be given positive weight.

### **Negative impacts**

- 10.11. It is also important to recognise that every development has to consider negative impacts in terms of the development and consider whether the positive benefits outweigh these negative impacts.
- 10.12. No development or construction site is silent and therefore the development will result in impacts on the area in terms of noise and disturbance as the development is completed. There would also be disruption through the implementation of the traffic mitigation. This is minimised through the development and implementation of construction management plans however some disturbance is expected. This carries moderate negative weight.
- 10.13. The development would have a significant albeit less than substantial impact upon the setting of the grade II\* listed St Lawrence Church and the grade II listed Home Farmhouse. This must be attributed negative weight in the planning balance. However, and as discussed, the public benefits of providing housing and increasing accessibility to the listed church would assist in mitigating the less than substantial harm identified. In addition, the Council's Conservation Team do not raise an objection to the impact upon setting due to sufficient mitigation being put in place and subject to detailed consideration of its treatment and the provision of a heritage enhancement zone. This therefore carries minor negative weight taking into account the mitigation identified.
- 10.14. The proposal has been demonstrated to be unviable and therefore cannot achieve policy compliance in a number of ways. Whilst delivering affordable housing, this would not be to the level expected by Planning Policy and the site would not deliver True Zero Carbon as also expected by Policy Bicester 1. The S106 contributions sought have been varied or reduced to also assist viability. Whilst Officers have reached a conclusion on these matters, they do carry moderate negative weight in the planning balance.

### **Conclusion**

- 10.15. Officers are mindful of the significant positive impacts that would arise from the development and attribute this significant weight. Whilst the viability picture is difficult and planning policy cannot be met in respect of a number of areas, the balanced approach to how this issue can be resolved as explained is considered to be an acceptable way forward that would ensure the development satisfactorily mitigates its impacts.
- 10.16. Officers do wish to highlight those that should Members resolve that they would have approved the planning application, that the recommendation is that further work is undertaken on viability to reach an agreed position which could result in additional affordable housing being secured above that identified as a minimum in the recommendation report (and should that be possible, Officers will ensure this is secured). The report highlights outstanding issues which will need to be worked through and some outstanding queries on matters such as the S106. Delegation is sought to progress negotiation through the appeal process and to secure the best possible outcome once further viability work is undertaken.

10.17. The development would have a transport impact should it be delivered in advance of the strategic infrastructure for the site but Oxfordshire County Council have accepted that the impact would not be severe and that they have no objections to the proposal in this context.

10.18. Taking all material considerations into account, Officers conclude that the scheme represents an acceptable development proposal and recommend that the Committee confirm that they would have resolved to grant outline permission subject to various matters as set out in the recommendation below.

## **11. RECOMMENDATION**

- i. THAT THE COMMITTEE RESOLVE TO CONFIRM THAT, HAD THE POWER TO DETERMINE THE APPLICATION HAVE CONTINUED TO REST WITH THEM, THAT THEY WOULD HAVE RESOLVED TO APPROVE THE APPLICATION SUBJECT TO:
  - I. THE COMPLETION OF VIABILITY DISCUSSIONS,**
  - II. THE COMPLETION OF A S106 AND**
  - III. A SET OF PLANNING CONDITIONS****
- ii. THAT POWERS BE DELEGATED TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT, OR AN OFFICER NOMINATED BY THEM, TO AGREE THE COUNCIL'S APPEAL SUBMISSIONS.**
- iii. THAT POWERS BE DELEGATED TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT, OR AN OFFICER NOMINATED BY THEM, HAVING REGARD TO THE HEADS OF TERMS SET OUT WITHIN APPENDIX 1 BELOW TO COMPLETE VIABILITY DISCUSSIONS TO ACHIEVE AS CLOSE TO POLICY REQUIRED LEVELS OF AFFORDABLE HOUSING AND AS CLOSE TO TRUE ZERO CARBON AS POSSIBLE ALONGSIDE DEVELOPER CONTRIBUTIONS TO MITIGATE THE IMPACT OF THE DEVELOPMENT AND THEN TO NEGOTIATE AND COMPLETE AN AGREEMENT CONTAINING OBLIGATIONS PURSUANT TO S106 OF THE TOWN AND COUNTRY PLANNING ACT (AS AMENDED) RELATING TO THE PLANNING APPEAL**
- iv. THAT POWERS BE DELEGATED TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT, OR AN OFFICER NOMINATED BY THEM, TO NEGOTIATE AND COMPLETE A LIST OF PLANNING CONDITIONS RELATING TO THE PLANNING APPEAL BASED UPON THE LIST BELOW**

### CONDITIONS

1. No development shall commence on any phase until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) for that phase have been submitted to and approved in writing by the Local Planning Authority.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

2. In the case of the reserved matters, application for approval shall be made for the first phase of development not later than the expiration of three years beginning with the date of this permission.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

3. In the case of all other reserved matters, in respect of subsequent phases, application for approval shall be made not later than the expiration of five years beginning with the date of this permission.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

4. The development to which this permission relates shall be begun not later than the expiration of two years from the approval of the first residential phase reserved matter and for all subsequent phases two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved for that phase.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

5. The development hereby permitted shall be carried out in accordance with the following approved plans and parameter plans which form the basis for future Reserved Matters and the detail to be outlined in the Design Code:

- i. Development Parameter 1: Maximum Building Heights and Footprint (Drawing ref: 003 Rev N)

- ii. Development Parameter Plan 2 Green Space (Drawing Ref: 003 Rev N)

- iii. Development Parameter Plan 3: Access and Movement (Drawing Ref: 003 Rev M)

- iv. Site Location Plan (Drawing Ref: 001 Rev J)

- v. Access drawings:

- Site access A – Access to Eastern Parcel (4600-1100-T-040 Rev A)
- Site accesses A&B – Access to Eastern Parcel and Western Parcel (south) (4600-1100-T-041 Rev A)
- Site access C – Access to Western Parcel (north) (4600-1100-T-042 Rev A)
- Site access D – Direct Access to North of the Western Parcel (4600-1100-T-010 Rev B)
- Site access E – Proposed Construction Access (4600-1100-T-011 Rev F) [UNLESS INCLUDED WITHIN THE S106 AS A S278 REQUIREMENT]
- Construction Access Western Parcel (4600-100-T-027 Rev B) [UNLESS INCLUDED WITHIN THE S106 AS A S278 REQUIREMENT]
- Proposed Pedestrian Crossing to Church (4600-1100-T-004 Rev D) [UNLESS INCLUDED WITHIN THE S106 AS A S278 REQUIREMENT]

The Development Parameters Schedule and Plans dated amended in December 2022 (Ref. V6.1) dated 16 December 2022 also forms part of the permission in setting parameters and principles of the permission.

Reason: To define the approved plans of the outline planning permission and the parameters for future submissions and to avoid doubt and to comply with Government guidance contained within the National Planning Policy Framework.

6. No more than 530 dwellings falling within Use Class C3 shall be constructed on the site.

Reason: To ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement, and sustainable development is achieved in accordance with Policy Bicester 1 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

7. No more than 67 dwellings shall be constructed on the western parcel to be accessed from Access B and there shall be no vehicular access into or between the rest of the western parcel beyond those dwellings. No more than 138 dwellings shall be constructed on the eastern parcel to be accessed from Access A.

Reason: To ensure that the transport impacts of the development upon Charlotte Avenue are no greater than those considered under this application in accordance with Policy SLE4 of the Cherwell Local Plan Part 1 2011-2031 and Government guidance contained within the National Planning Policy Framework.

8. There shall be no residential development or raising of existing ground levels within the areas identified as being at risk of flooding as shown in Appendix A of letter reference L01/205550D/NB dated 04 February 2022, from Vectos Limited.

Reason: To reduce the risk of flooding to the proposed development and to prevent flooding elsewhere.

9. Any reserved matters application/s shall include details of the finished floor level of all residential units which shall be set at 300mm above the expected 1% annual probability flood level with the appropriate allowance for climate change.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

10. Any reserved matters application which includes a new or amended crossing of a watercourse shall include a detailed Flood Risk Assessment and detailed design drawings of the crossing that demonstrates that there will be no increase in flood risk or adverse effect on flood flow up to and including an appropriate allowance for climate change.

Reason: to prevent flooding elsewhere by ensuring that there will be no impact on flood flows.

11. Every Reserved Matters Submission within the redline of the outline application shall be accompanied by an Environmental Statement and Design Code Compliance Statement.

Reason: To provide detailed and meaningful monitoring of the aims and objectives of the outline planning permission through the delivery of a sustainable framework

of the delivery of the long-term objectives in accordance with Government guidance contained within the National Planning Policy Framework.

12. All site clearance (including the removal of any vegetation or works to hedgerows) shall be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless the Local Planning Authority has confirmed in writing that such works can proceed, based on submission of a survey (no more than 48hrs before works commence) undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site as required.

Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat to comply with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner, and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

14. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

15. All services serving the proposed development shall be provided underground unless details of any necessary above ground service infrastructure, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), have first been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development that they serve, the above ground services shall be provided on site in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, Policy C28 of

the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

16. Prior to or alongside the submission of the first reserved matters application a Design Code shall be submitted to and agreed in writing by the Local Planning Authority. The Design Code shall include, but shall not be limited to, information relating to:

- a. The overall vision of the development as part of the delivery of NorthWest Bicester taking account of the timescale for development and potential innovation whilst allowing flexibility for changes in legislation and technology;
- b. The creation of character areas, neighbourhoods, development parcels and unifying features common across the wider development;
- c. Key buildings, frontages, primary and secondary streets and access points to create an appropriate hierarchy of routes based on sustainable travel hierarchy of walking, cycling, public transport and the car and measures to minimise opportunities for crime;
- d. The delivery of sustainability standards and the progression to true net zero carbon environments;
- e. A strategy and approach to public realm, including landscaping and sustainable drainage and public art;
- f. The promotion of modern and innovative methods of construction;
- g. The incorporation of flexible living and workspace and creating high quality homeworking environments and supporting infrastructure;
- h. A strategy of the design and delivery of the green and blue infrastructure;
- i. Design and space principles relating to the creation of formal and informal play areas to support the development of a Youth and Play Strategy.
- j. Crime prevention and community safety
- k. Sub stations

All reserved matters applications shall be made in accordance with the Design Code and the development shall thereafter be carried out in accordance with the principles of the approved Design Code.

Reason: To secure the delivery of high quality sustainable development in accordance with Government guidance contained within the National Planning Policy Framework and Policies Bicester 1 and ESD15 of the Cherwell Local Plan Part 1 2011-2031. This information is required prior to commencement of any development as it is fundamental to the acceptability of the scheme.

17. Prior to or alongside the submission of the first reserved matters application, a Site Wide Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority.

The Site Wide Phasing Plan shall contain sufficient information to show how the development will be delivered and shall outline the detail and timetable for the following:

- i) Details of Development Parcels and/or Key Phases for the residential development parcels (including approximate housing numbers and broad delivery timescales)
- ii) Strategic engineering elements (including drainage mitigation)
- iii) Strategic landscaping elements
- iv) The delivery of drainage and SuDS attenuation
- v) Relevant triggers with the associated s106 Legal Agreement and development timescales.
- vi) Construction Strategy and implementation of key mitigation for air quality and noise.
- vii) Public transport access and transport infrastructure

- viii) Implementation of recreational routes, play space and open space provision.
- ix) A mechanism for its review and where necessary amendment.

Thereafter each reserved matters application shall refer to a phase, phases, or part thereof identified in the approved phasing plan and development shall proceed in accordance with the approved phasing unless an alternative phasing plan is agreed in writing by the Local Planning Authority pursuant to this condition.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Policy Bicester 1, SLE4 and INF1 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development as it is fundamental to the acceptability of the scheme.

18. Prior to or concurrently with the submission of the first Reserved Matters application, a strategy shall be submitted detailing how the development will progress to meet the Future Homes Standard, or above, to include targets for each element that:

- As a minimum, complies with national and local requirements for low and zero carbon.
- Create a Development that is resilient to energy price fluctuation and the impacts of climate change.
- Supports the transition of the UK target to be Net Zero Carbon by 2050.
- Reduce potable water demand through the efficient use of water to a maximum of 110 litres per person per day
- Include details for the management of wastewater (e.g. through rainwater harvesting)
- Manage water run-off through the incorporation of SuDS
- Minimise the generation of and increase the reuse of waste associated with demolition, excavation and construction
- Provide systems for efficient waste management during operation
- Provide for the sustainable use of materials and resources, considering embodied impacts, sourcing, conservation and reuse
- Promote and enable efficient low-carbon means of transport
- Ensure the reduction in energy use for heating and cooling
- Provide for electric charging points on all private properties
- Provide for charging points in street furniture for e-bikes and e-scooters, where appropriate
- Promote accessibility to and within the site through the delivery of non-vehicular routes.
- Protect and enhance biodiversity and habitat connectivity to achieve a Net Positive impact including the use of green roofs where appropriate
- Sustainable construction in buildings that deliver high levels of enhanced economic, social and environmental outcomes including lower operational costs.
- The review and/or enhancement of environmental standards throughout the course of the development.

Reason: To contribute towards the achievement of the standards required by Policy Bicester 1 and Policies ESD1-5 of the Cherwell Local Plan Part 1 2011-2031. This information is required prior to the commencement of the development as it is fundamental to the acceptability of the scheme.

19. No development shall take place until a site wide Construction and Environmental Management Plan (CEMP) including for biodiversity has been submitted to and



agreed in writing by the Local Planning Authority. The CEMP shall be based on the principles include the following:

- a. Implementation of the Soil Handling and Earthworks Strategy, including details of any piling, noise, vibration and associated mitigation;
- b. Implementation air quality and dust suppression management measures through a Dust Management Plan;
- c. The protection of the environment and implement best practice guidelines for works within or near water and habitats, including the appointment of a qualified ecologist to advise on site clearance and construction, in particular any works that have the potential to disturb notable ecological features;
- d. Arrangements for a site walkover survey undertaken by a suitably qualified Ecologist to ensure that no protected species which could be harmed by the development have moved onto the site since the previous surveys were carried out. If any protected species are found, details of mitigation measures to prevent their harm shall be required to be submitted;
- e. Measures to minimising energy requirements and emissions from equipment and plant (including minimising the use of diesel or petrol powered generators and instead using mains electricity or battery powered equipment; powering down of equipment / plant during periods of non-utilisation; optimising vehicle utilisation; use of energy efficient lighting)
- f. Construction management measures to ensure the preservation of on site heritage assets
- g. An Emergency Response / Spill Response Plan to be produced by the Principal Contractor(s) for the protection from contamination
- h. A Construction Traffic Management Plan (CTMP) and traffic routing, temporary access and haul roads to ensure construction vehicles, materials and logistics saving measures are managed
- i. Measures to minimise greenhouse gas emissions associated with the production of waste including the reuse and recovery of materials where possible, avoid excavation waste, management of water and water resources, the reuse and/or recycling of construction waste on-site in subsequent stages of the development
- j. Measures to reduce the impact on neighbouring and nearby residents and associated temporary fencing, lighting and construction compounds and activity through the operational phase of development.
- k. Delivery and construction working hours
- l. Details of site management including a method for creation of logging of visitors and contractors on site, the monitoring incidents and complaints), including monitoring and reporting (including site inspections, soiling checks, compliance with Dust Management plan, etc) and, where appropriate, CCTV and tracking of contractor vehicles to ensure appropriate routing of vehicles.
- m. A wastewater strategy detailing how foul drainage will be managed during the construction stage.

The approved Construction Environment Management Plan shall be adhered to throughout the construction period for the development.

Reason: To manage construction process and to ensure that the impacts to soils, air quality, contamination and ground conditions, ecological habitats, cultural heritage, noise and vibration, heritage assets, transport and waste as well as neighbouring and nearby residents and climate impacts are managed in accordance with the mitigation outlined in the Environmental Statement (including the Environmental Statement) and in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to the commencement of the development as it is fundamental to the acceptability of the scheme.

20. Prior to the commencement of development on a phase, a Site Waste Management Plan, targeting zero construction waste to landfill for that phase, shall be submitted to and approved in writing by the Local Planning Authority. The approved Site Waste Management Plan shall thereafter be implemented in accordance with the approved details.

Reason - to ensure the appropriate management of waste in accordance with Government guidance contained within the Eco Town PPS and the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

21. No development shall take place until the ground investigation works outlined at section 10 of the Desk Study and Site Investigation report dated 16 April 2021 (doc ref. 13603-HYD-XX-XX-RP-GE-1000) have been carried out and a report detailing the outcomes of the further ground investigation works, any required phasing, any risks from contamination and/ or gas, any radon protection measures and a remediation strategy where required shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to the commencement of the development as it is fundamental to the acceptability of the scheme.

22. No development of a phase shall take place until a detailed surface water drainage strategy pursuant to that phase and which shall accord with the outline drainage strategy and its principles outlined in the submitted Flood Risk Assessment and Surface Water Drainage Strategy prepared by Vectos dated April 2021 (Issue 3) has been submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate how the management of water within the reserved matters site for which approval is sought accords with the approved details set out in the approved Flood Risk Assessment and Surface Water Drainage Strategy. The strategy shall maximise the use of measures to control water at source as far as practicable to limit the rate and quantity of run-off and improve the quality of any run-off before it leaves the site or joins any water body. The strategy shall also include a maintenance plan for the surface water management system.

ii) Each submitted strategy shall include details of all flow control system(s) and the design, location and capacity of all strategic SuDS features within the reserved matters submission site and shall include ownership, long-term adoption, management and maintenance schemes and monitoring arrangements and responsibilities. The strategy should also demonstrate that the exceedance of the designed system has been considered through the provision of overland flow routes.

iii) The development shall be carried out in full accordance with the approved relevant surface water strategy and no building constructed pursuant to that particular reserved matters approval shall be occupied or used until such time as the approved detailed surface water measures relating to that building have been fully completed in accordance with the approved strategy.

Reason: In order to reduce the risk of flooding, to ensure adequate flood control, maintenance and efficient use and management of water within the site, to ensure the quality of the water entering receiving water courses is appropriate and monitored and to promote the use of sustainable urban drainage systems to limit the volume and rate of water leaving the site in accordance with Policies ESD6 and ESD7 of the Cherwell Local Plan Part 1 2011-2031 and Government guidance contained within the National Planning Policy Framework. This information is required prior to the commencement of the development as it is fundamental to the acceptability of the scheme.

23. No development shall commence until a Foul Water Strategy for the development has been submitted to and approved in writing by the Local Planning Authority. The strategy should include:
- a) Coloured plan to show the different foul and surface water sewers;
  - b) Routes of all sewers for that Development Parcel;
  - c) A programme phasing the delivery of such works (having regard to planning conditions **X and Y**);
  - d) Provision for inspection by the Local Planning Authority.

The strategy as approved shall be constructed and completed in accordance with the approved plans/specification and the approved programme for their phased delivery.

Reason: In order to manage foul water drainage, maintenance and efficient use and management of water within the site, to ensure the quality of the water leaving the site and to manage the connections to the wider drainage network. In accordance with Policies ESD6 and 7 of the Cherwell Local Plan Part 1 2011-2031 and Government guidance contained within the National Planning Policy Framework. This information is required prior to the commencement of the development as it is fundamental to the acceptability of the scheme.

24. No development shall take place until update surveys, a mitigation strategy and licence details (should those be considered necessary) for Great Crested Newts have been undertaken and submitted to and approved in writing by the Local Planning Authority. The development shall be then undertaken in accordance with the agreed mitigation strategy.

Reason: To protect species of importance from any loss or damage and to ensure they are appropriately mitigated for in accordance with Policies Bicester 1 and ESD10 of the Cherwell Local Plan Part 1 2011-2031 and Government guidance contained within the National Planning Policy Framework. This information is required prior to the commencement of the development as it is fundamental to the acceptability of the scheme.

25. No development shall take place until a professional archaeological organisation acceptable to the Local Planning Authority has prepared an Archaeological Written Scheme of Investigation relating to the application site which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the recording of archaeological matters within the site in accordance with Government guidance contained within the National Planning Policy Framework. This information is required prior to the commencement of the development as it is fundamental to the acceptability of the scheme.

26. Following the approval of the Written Scheme of Investigation, referred to in condition **X**, and prior to the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme

of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years from the completion of the archaeological fieldwork.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the National Planning Policy Framework. This work is required prior to the commencement of the development as it is fundamental to the acceptability of the scheme.

27. No development shall take place until a Site-wide Soil Handling and Earthwork Strategy has been submitted to and agreed in writing by the Local Planning Authority. Details to be submitted shall incorporate the principles outlined in Defra Code of Practice for the Sustainable Use of Soils on Construction Sites (or alternative or succeeding guidance and legislation) (including details within the Environmental Statement) and include details relating to:

- i) the need for soils stripped from the construction areas to be re-used appropriately to provide suitable conditions for the required end use,
- ii) the maximisation of recycled or reused soils
- iii) the location and details of soil storage away from watercourses (or potential pathways to watercourses) and
- iv) any measures to ensure that potentially contaminated soil will be stored on an impermeable surface and covered to reduce leachate generation and potential migration to surface waters.
- v) an Implementation and monitoring strategy to be incorporated into the Strategic Construction and Environmental Management Plan.

The development hereby approved shall be carried out in accordance with the approved Site-wide Soil Handling and Earthwork Strategy.

Reason: To ensure that risks from the movement of soil and construction activity associated with development are appropriately managed throughout the construction timescale and across the delivery of the development appropriate to neighbouring land uses, together with managing controlled waters, property and ecological systems, neighbours and other offsite receptors in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 and Government guidance contained within the National Planning Policy Framework. This information is required prior to the commencement of the development as it is fundamental to the acceptability of the scheme.

28. No development of a phase shall take place until a report has been submitted to and approved in writing by the Local Planning Authority outlining how carbon emissions from the construction process and embodied carbon within that phase will be minimised. The phase of development shall thereafter be carried out in accordance with the approved report.

Reason: To ensure the development achieves a reduced carbon footprint in accordance with Policy Bicester 1 of the Cherwell Local Plan 2011-2031. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

29. No development shall take place until a Landscape and Ecology Management Plan has been submitted to and agreed in writing by the Local Planning Authority taking forward the recommendations of the Environmental Statement and demonstrating how the development will achieve at least a total 10% biodiversity net gain. This includes:

- i) Management of species (including translocation) and creation of habitats and species through the construction period including badgers, bats, water voles, great crested newts, reptiles, bird species and other species, including the removal of invasive and non-native landscaping, as appropriate.
- ii) Development of short and long-term mitigation and delivery of habitats through the implementation of landscaping and appropriate phasing to maximise the potential and biodiversity net gain in Strategic Landscaping elements.
- iii) Delivery of tree planting, bird and bat boxes and nesting opportunities and green/brown roofs within Development Parcels.
- iv) Development of green corridors and crossings
- v) Management strategies for new and retained habitats and environments.
- v) Monitoring measures to measure existing habitats being retained and the implementation of new biodiversity features.
- vi) a mechanism for the review and amendment of the strategy.

The strategy shall be implemented throughout the construction period and Reserved Matters submissions for each phase shall take account of and be submitted in accordance with the approved strategy.

Reason: To ensure that the proposals deliver appropriate an amount and variety of habitats and support the biodiversity net gain opportunities in accordance with the submitted Environmental Statement to comply with Policies Bicester 1 and ESD10 of the Cherwell Local Plan Part 1 2011-2031 and Government guidance contained within the National Planning Policy Framework.

30. No development shall take place on a phase until an Arboricultural Method Statement (AMS) undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions including a scheme for the provision of protective fencing, to prevent damage during construction, for the retained hedgerows, trees, woodlands, ponds and areas of green space within that phase, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on the phase shall be carried out in accordance with the approved AMS with all tree protection erected prior to development commencing on that phase. If any tree or hedgerow shown to be retained is cut down, uprooted or destroyed or dies, another tree or hedgerow shall be planted in the same place within the following planting season and that tree shall be of such a size and species as will be first agreed in writing with the Local Planning Authority.

Reason: To protect biodiversity and historic landscape features in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

31. No development shall take place until a study, by a suitably qualified person, has been submitted to and approved in writing by the Local Planning Authority, demonstrating that the design of the dwellings within that phase is such that overheating, using a future climate scenario of 2050, will not occur and that heat island effects have been minimised. The development shall thereafter be carried out in accordance with the agreed details.

Reason: to address the impacts of climate change in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031. This information is required prior to the commencement of the development as it is fundamental to the acceptability of the scheme.

32. No development shall take place in any phase containing residential development until a noise impact assessment and a noise attenuation / insulation scheme (having regard to the building fabric, glazing and background and purge / rapid ventilation requirements) to protect occupants or other users internally and externally as appropriate from B4100 and primary routes through the site traffic noise in accordance with the requirements of British Standard 8233:2014 'Sound Insulation and noise reduction for buildings-Code of Practice' (or any replacement guidance or standard), has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be fully implemented before the residential use hereby permitted is occupied and shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that sufficient noise attenuation is provided to all residential properties to protect residents from the impact of internal site traffic noise and safeguard the amenity and health of future residents in accordance with Policies Bicester 1 and ESD15 of the Cherwell Local Plan 2011-2031, Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to the commencement of the development as it is fundamental to the acceptability of the scheme.

33. Where remediation is identified by the report required by condition **X**, any works specified within the remediation statement for that phase shall be completed, and a verification report submitted to and approved in writing by the Local Planning Authority prior to the first occupation of development in that phase.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to the commencement of the development as it is fundamental to the acceptability of the scheme.

34. No dwelling shall be occupied until it has been provided with service connections capable of supporting the provision of high-speed broadband from the building to the nearest broadband service connection outside the site.

Reason: To facilitate information provision to homes for energy monitoring, travel and home working change in accordance with Policy Bicester 1 of the Adopted Cherwell Local Plan Part 1 2011-2031 and Government guidance contained within the National Planning Policy Framework.

35. Prior to the first occupation of the development a Framework Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note 'Using the Planning Process to Secure Travel Plans' and which includes a target for at least 50% of trips originating within the development to be made by non-car means with the potential for this to increase over time to at least 60% shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and operated in accordance with the approved details.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

36. Prior to the first occupation of the development a Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason: To ensure all residents and employees are aware from the outset of the travel choices available to them, and to comply with Government guidance contained within the National Planning Policy Framework.

37. Prior to the first occupation of any development within a phase, an external lighting strategy for that phase shall be submitted to and approved in writing by the Local Planning Authority. The external lighting approved shall be implemented and made operational prior to the occupation of any building in that phase.

Reason: To enable the Local Planning Authority to retain planning control over the development of this site, in order to safeguard the amenities of the occupants of the adjoining dwellings and to protect biodiversity in accordance with Policies Bicester 1 and ESD10 of the Cherwell Local Plan Part 1 2011-2031, Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

38. Prior to the occupation of any phase of the development, a waste strategy, setting targets above national standards for residual waste levels, recycling levels and landfill diversion and which identifies measures to facilitate waste reduction and recycling for commercial occupiers of that phase shall be submitted to and approved in writing by the Local Planning Authority. The waste reduction measures shall be implemented in accordance with the strategy.

Reason: To ensure the appropriate management of waste in accordance with Government guidance contained within the National Planning Policy Framework.

39. With respect to foul water drainage, no development shall be occupied until confirmation has been provided that either:
1. Capacity exists off site to serve the development, or
  2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
  3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

40. With respect to the water network, no occupation beyond the 49th dwelling shall be made until confirmation has been provided that either:
- a. all water network upgrades required to accommodate the additional flows to serve the development have been completed; or-
  - b. a development and infrastructure phasing plan has been agreed with Thames Water to allow additional development to be occupied. Where a

development and infrastructure phasing plan is agreed no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - The development may experience low / no water pressures and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid low / no water pressure issues.

41. The residential development shall be constructed so as to meet as a minimum the higher Building Regulation standard for water consumption limited to 110 litres per person per day.

Reason: The site is located in an area of water stress and to comply with Policy ESD3 of the Cherwell Local Plan Part 1 2011-2031 and Government guidance contained within the National Planning Policy Framework.

42. Each dwelling shall be provided with waste receptacles prior to its first occupation.

Reason: to ensure the satisfactory appearance and functioning of the development, and to promote recycling in accordance with the requirements of Policies Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 and Government guidance contained within the National Planning Policy Framework.

43. Each dwelling hereby approved shall be provided with real time energy and travel information prior to its first occupation. Details of the provision for each phase shall be submitted to the Local Planning Authority and agreed in writing prior to the commencement of construction of dwellings above slab level within that phase. The devices shall thereafter be retained in operational condition.

Reason: To support the delivery of modal shift towards sustainable modes and create high quality, inclusive, sustainable development in accordance with Policy Bicester 1 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

#### **Informatives:**

1. Before granting this planning permission the Council has taken into account the environmental information relating to the development (within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)).

With regard to the requirements of Regulation 29 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), the main reasons and considerations on which the decision is based including information about the participation of the public - along with the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development – is contained within the Officer's reports to Planning Committee dated 09 February 2023.

2. Attention is drawn to a Legal Agreement related to this development dated **[to be added]** which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
3. The Framework Travel Plan referred to in condition **X** shall include:



- a package of measures consistent with the aim of reducing reliance on the car, and should include (but not be limited to) providing information on / promoting the use of alternative modes of transport, by:
    - i) The appointment of a travel plan co-ordinator,
    - ii) The establishment of targets for modal shift,
    - iii) The details of measures to be employed to achieve the identified targets,
    - iv) Mechanisms for ongoing monitoring and review of targets and travel plan measures,
    - v) Details of penalties and/or additional measures to be investigated / implemented in the event that the identified targets are not met.
    - vi) Public transport information and ticket details;
    - vii) Cycle provision, showers and lockers and associated infrastructure in workspace;
    - viii) Walking and cycling initiatives;
    - ix) Improving overall links to public transport infrastructure within Northstowe and to adjacent villages;
    - x) Opportunities for alternative modes of transport and management of site operatives during construction; and
    - xi) including binding methods of delivery, review, and monitoring of the measures in the Travel Plan (including the requirements of this condition).
4. Pursuant to the requirement for Crime Prevention to be included within the Design Code required by condition X, your attention is drawn to the detailed comments of Thames Valley Police dated 24 December 2021 which sets out guidance as to what to consider.
  5. Any application for Reserved Matters submitted pursuant to condition 1 should, where relevant, include the following details:
    - (a) Levels:
      - A topographical survey of the site
      - Where the development includes re-profiling of the existing ground level, a plan showing the revised ground levels following earthworks remodelling of the relevant parts of the site
      - A plan and cross section showing the details of the finished floor levels of the proposed buildings in relation to the existing ground levels on the site, remodelled levels and adjacent dwellings
      - Street scene plans of the proposed buildings
    - (b) Landscape:
      - details of green recreational routes for non-vehicular modes which include details of tree planting and landscaping, footpaths, cycleways, interpretation boards for heritage, ecology and community activity, seating, bins, site levels and a strategy for implementation and management and connections to neighbouring parcels.
      - Details of community gardens and orchards, details of site levels and soil preparation, planting to promote an edible landscape including fruit trees, shrubs and bushes, boundary treatment and hedgerow planting, any ancillary features such as seating, bins (including dog bins), arrangements for implementation and management of the area for the future community.
      - Details of allotments including, plan of the allotments, principles of plot layout and design providing for a range of plot sizes designed to allow flexibility to meet the needs of future plot holders; areas for communal storage of, for example, manure and compost; Confirmation that the site of the proposed allotments is free from contamination and capable of growing fruit and vegetables for human consumption; Proposed management arrangements

for the allotments (including topsoil and soil provision/management) including consultation with relevant bodies; Access and parking arrangements to allow easy and safe access to the allotments; Details of the ancillary features (e.g. bins, seats, water butts, greenhouses and sheds); Boundary treatment, including security arrangements for the allotments; Water supply, including use of stored rainwater and SuDS for watering crop and drainage arrangements to ensure that the proposed site for the allotments is free draining and does not impact on the wider drainage network (e.g. through silting up of the drainage network); Management arrangements and future maintenance agreements with an appropriate community body.

- Details of any formal or informal play areas shall include details of site levels, play features, seating, pathways, planting and landscaping relating to that play area and a strategy for their implementation and management.
  - Details of hard and soft landscaping works to include: identification of existing trees, shrubs and other vegetation to be retained, Wildlife habitat creation of potential benefit to protected species. The extent, location and design of such habitat shall be shown clearly and fully described, The creation of a visually attractive and stimulating environment for the occupiers of the future development, and other users of the site, The eradication of Japanese knotweed or other invasive species on the site, if applicable, The replacement of trees proposed to be lost in site clearance works, Details of the future management of the landscape scheme, Ground preparation measures to be adopted, Full botanical details, numbers, locations, planting specifications and densities/ seeding rates of all plant material included within the landscape scheme, Existing and proposed levels, Programme for delivery of the approved scheme
6. Please note, the Advance Payments Code (APC), Sections 219 -225 of the Highways Act 1980, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private, then to secure exemption from the APC procedure, a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. For guidance and information on road adoptions etc. please visit our website.
  7. Prior to the commencement of a development, a separate agreement(s) must be obtained from Oxfordshire County Council's (OCC) Road Agreements Team for the proposed highway works (vehicular access, new footway links, bus infrastructure, pedestrian refuge island, carriageway widening and new right-turn lane) under S278 of the Highways Act 1980. For guidance and information please contact the county's Road Agreements Team via <https://www.oxfordshire.gov.uk/cms/content/contact-road-agreements-team>.
  8. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near the mains (within 3m) Thames Water will need to check that the development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services they provide in any other way. The applicant is advised to read their guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>
  9. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read their guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're

considering working above or near their pipes or other structures.  
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

## APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Health provision to Bicester PCN practices expansion plans or to health provision on the NW Bicester site to meet the needs of the increased population.	£533,694 index linked BCIS from December 2022  (based upon 530 dwellings and to be adjusted once housing mix is known)	To be agreed – careful phasing of the payments will be needed to assist with the viability issues	<p><b>Necessary</b> – The CCG (now NHS Buckinghamshire, Oxfordshire, Berkshire West Integrated Care Board) have advised that there are insufficient consulting rooms to cope with the increased population growth as a direct result of the increase in dwellings. Therefore, it is necessary for the development to make a contribution towards primary care provision to meet the health needs of residents resulting from the development.</p> <p><b>Directly related</b> – The proposed development would result in increased population that would need to access primary health care provision. As health provision in the area is under considerable pressure, contributions would be required to ensure the increase population can access the services required and would be adjusted once the housing mix is known. The contribution will therefore be directly related to the development proposed.</p> <p><b>Fairly and reasonably related in scale and kind</b> – The requested contribution is based upon the number of dwellings forming part of the development. The cost</p>

			per dwelling is based upon expected occupancy of the development (2.4 persons) as unit sizes are not specified in the application but will be adjusted once the housing mix is known. The requested contribution is therefore directly related to the development.
Neighbourhood policing	£98,449 index linked CPIX from December 2022)  (based upon 530 dwellings)	To be agreed – careful phasing of the payments will be needed to assist with the viability issues	<p><b>Necessary</b> – the increased population resulting from NW Bicester will put increased pressure onto local policing services to police both new and existing communities. Thames Valley Police have anticipated the additional capital infrastructure required to support the future population of the area and this has been used to form a per dwelling contribution.</p> <p><b>Directly related</b> – as the development would result in increased population, it would directly increase pressure on the local police force. The per dwelling contribution to support increased police capacity would therefore be directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> – Thames Valley Police have identified the additional capital infrastructure required and have costed this in order to provide a per dwelling cost. The cost identified is based upon the scale of the development so it is fairly and reasonably related and it is proportionate to the cost of providing additional infrastructure for the local neighbourhood teams.</p>

<p>Community Building Provision</p>	<p>£770,535 index linked BCIS from December 2022  (based upon 530 dwellings)</p>	<p>To be agreed – careful phasing of the payments will be needed to assist with the viability issues</p>	<p><b>Necessary</b> – The development of community hall space is necessary to serve the increased population. Policy BSC12 confirms that the Council will encourage the provision of community facilities to enhance the sustainability of communities. The proposal will increase population who will require facilities and therefore it is necessary for the development to contribute towards facilities planned at the site.</p> <p><b>Directly related</b> – The contribution is directly related to the development as it is based upon a cost per dwelling that reflects the costs set out in the Council’s SPD which provides capital cost estimates for new community hall space. Community hall space is required on the wider NW Bicester site and so the contribution is directly related to expanding community space to serve the proposed development.</p> <p><b>Fairly and reasonably related in scale and kind</b> – As explained above, the contribution is based upon costs set out in the Council’s SPD. As explained within the report, the cost is reduced to take account of the cost of providing a crossing to St Lawrence Church at Caversfield which has the opportunity to be used for community purposes. The contribution is therefore fairly and reasonably related in scale and kind to the proposed development.</p>
-------------------------------------	--	--	--

<p>Primary Education</p>	<p>£5,030,076 index linked BCIS All in TPI 327</p>	<p>To be agreed – careful phasing of the payments will be needed to assist with the viability issues</p>	<p><b>Necessary</b> – Gagle Brook Primary school opened in September 2018 to provide primary school capacity for the NW Bicester site and would serve the development. The school was forward-funded as a 1 form entry school by CDC and OCC and is planned for future expansion to 2 forms of entry. As the development would result in additional primary school children, it is necessary for the development to contribute towards additional capacity to meet the demand arising from the development.</p> <p><b>Directly related</b> – The current school size would account for the scale of the Exemplar phase. The pupil generation from this development would therefore be expected to fill Gagle Brook at its current size and contribute towards the need for the school to be expanded. The contribution sought would therefore be directly related to the resulting population from the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> – The County Council’s costs are based upon the number of primary and nursery pupils expected to be generated which is then used against the cost of the cost of building the Gagle Brook School to give a per pupil cost. The contribution is therefore fairly and reasonably related in scale and kind to the development.</p>
--------------------------	--	--	--

Secondary Education	£3,360,870 index linked BCIS All in TPI 327	To be agreed – careful phasing of the payments will be needed to assist with the viability issues	<p><b>Necessary</b> – Secondary school provision for the site will be provided for via a new secondary school planned as part of the southern section of the NW Bicester development. The whole allocation requires a new secondary school. The school will be delivered in phases and it is expected that the development will contribute towards the building of the initial 600 place secondary school. As the development would result in additional secondary school children, it is necessary for the development to contribute towards additional capacity to meet the demand arising from the development.</p> <p><b>Directly related</b> – The development would result in additional secondary school children and pupil places would be required for them. The contribution sought would therefore be directly related to the resulting population from the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> – The County Council's costs are based upon the number of secondary pupils expected to be generated multiplied by the estimated per pupil cost of a new secondary school. The contribution is therefore fairly and reasonably related in scale and kind to the development.</p>
Special Educational Needs	£260,249 index linked BCIS All in TPI 327	To be agreed – careful phasing of the payments will be needed to	<b>Necessary</b> – Government guidance is that Local Authorities should secure developer contributions to special education provision commensurate with the need arising from the development. Approximately half



		<p>assist with the viability issues</p>	<p>of pupils with Education Needs and Disabilities are educated in special schools. Evidence relating to Oxfordshire demonstrates that the County needs more special school places which is intended to be achieved through a mixture of new schools and expansion of existing schools. As the development would result in an increased population, it is necessary for the development to contribute to increased SEN provision.</p> <p><b>Directly related</b> – The development would result in additional secondary school children and pupil places would be required for them. The contribution sought would therefore be directly related to the resulting population from the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> – The County Council’s costs are based upon the number of pupils expected to require education at a special school generated by the development multiplied by the estimated per pupil cost of a new secondary school. The contribution is therefore fairly and reasonably related in scale and kind to the development.</p>
Sports Pitches and Maintenance	£1,307,389.78 index linked CPIX from December 2022	To be agreed – careful phasing of the payments will be needed to assist with the viability issues	<p><b>Necessary</b> – The increase in population generates the need for additional outdoor sport capacity. Pitch space is identified within the Masterplan to serve the NW Bicester site and so contributions are sought towards the capital cost of the provision of sports pitches and their ongoing maintenance. Policy BSC10 seeks to ensure that proposals for new development contribute to open space, sport and recreation provision</p>

			<p>commensurate to the need generated by the proposals. The contribution sought is therefore necessary to make the development acceptable.</p> <p><b>Directly related</b> – The contribution is based upon the costs identified in the Council’s Developer Contributions SPD as a per dwelling cost. The development would generate additional population who would create demand for outdoor sport space. As such, the proposed contribution is directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> – As set out, the contribution is based upon the costs set out in the Council’s Developer Contributions SPD as a per dwelling cost. As the contribution sought would be based upon the dwellings proposed, it is fairly and reasonably related in scale and kind to the development.</p>
Burial Ground	£6,520.65 index linked CPIX from December 2022	To be agreed – careful phasing of the payments will be needed to assist with the viability issues	<p><b>Necessary</b> – The existing Bicester cemetery is close to being unable to accommodate further burials. The NW Bicester Masterplan identifies land for a burial ground and in order to ensure there is adequate burial space to meet the needs of the growing community, contributions towards the ability to provide additional burial space are required. The contribution is therefore necessary.</p> <p><b>Directly related</b> – The development would result in an increased population, a proportion of which would</p>

			<p>require burial space. The contribution sought is based upon the costs of providing burial space and is therefore directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> – A contribution based upon a per dwelling rate has been calculated and therefore the contribution is based upon the number of dwellings proposed. It is therefore fairly and reasonably related to the proposed development.</p>
<p>Landscape and play area provision and ongoing management and maintenance</p>			<p><b>Necessary</b> to meet the needs generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the Cherwell Local Plan Part 1 2011-2031 and advice in the Developer contributions SPD.</p> <p><b>Directly related</b> the development generates a need for open space and play provision and in turn this requires ongoing management and maintenance. As such, this requirement is directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> the level of provision would be based upon the policy and guidance provisions adopted by the Council including specifically for NW Bicester which requires at least 40% Green Infrastructure. On this basis, the requirement is fairly and reasonably related in scale and kind to the development.</p>

<p>Community Management Organisation</p>	<p>£306,350.36 index linked CPIX from December 2022</p>	<p>To be agreed – careful phasing of the payments will be needed to assist with the viability issues</p>	<p><b>Necessary</b> – Policy Bicester 1 refers to the need for the submission of proposals to support the setting up and operation of a financially viable Local Management Organisation by the new community to allow locally based long term ownership and management of facilities in perpetuity. The need for a contribution is to support the development of the early stage CMO that was started on the Elmsbrook site as the Exemplar phase of the NW Bicester site. The proposal would enable long term governance arrangements to be put in place and to ensure the site is socially sustainable. It is therefore a contribution that is necessary to make the development acceptable in planning terms.</p> <p><b>Directly related</b> – the proposal is for residential development on the NW Bicester site and therefore as part of the wider requirements around community governance, the requirement is for the site to contribute and benefit from the CMO. It is therefore directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> – the contribution is based upon the costs envisaged to run the CMO originally calculated, but reduced to a third of the cost to account for a 10 year period rather than a 30 year period as it was originally costed for due to viability reasons. The contribution is therefore fairly and reasonably related in scale and kind to the development.</p>
--	---	--	---

Community Facility Maintenance	£255,426.59 index linked CPIX from December 2022	To be agreed – careful phasing of the payments will be needed to assist with the viability issues	<p><b>Necessary</b> – to meet the needs generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the Cherwell Local Plan Part 1 2011-2031 and advice in the Developer contributions SPD.</p> <p><b>Directly related</b> – the development generates a need for community facilities, allotments and certain other open space provision and in turn this requires ongoing management and maintenance. As such, this requirement is directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> – The contribution sought was calculated based upon the level of maintenance required and then used to calculate a per dwelling contribution. As such, the level of contribution is fairly and reasonably related in scale and kind to the development.</p>
Bus Provision and infrastructure	£696,118 index linked PRI-X from December 2020	To be agreed – careful phasing of the payments will be needed to assist with the viability issues	<p><b>Necessary</b> the NW Bicester site is required to be served by public transport and this was identified as part of the NW Bicester Access and Travel Strategy. It is necessary for the development to make a proportionate contribution to the cost of the public transport necessary to support the development.</p> <p><b>Directly related</b> the development would generate population who would require access to a bus service and therefore a contribution to enhance provision is directly related to the development.</p>

			<p><b>Fairly and reasonably related in scale and kind</b> the contribution sought is proportionate to the cost of the bus service identified as being necessary for the development north of the railway line. It is therefore fairly and reasonable related in scale and kind to the development.</p>
Pedestrian and cycle infrastructure	£362,465 index linked Baxter from December 2020	To be agreed – careful phasing of the payments will be needed to assist with the viability issues	<p><b>Necessary</b> the proposal would increase the level of population to the north of the site and it is important that sustainable transport options are enhanced. The contribution would be towards a scheme to make improvements to cycle routes between the site and the town centre/ station. The contribution is necessary to assist in improving sustainable transport options.</p> <p><b>Directly related</b> the development would generate population who would require sustainable transport options including cycling and walking routes. The contribution is therefore directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> the contribution sought is proportionate to the cost of the scheme to provide for cycle route improvements and therefore it is fairly and reasonably related in scale and kind to the development.</p>
Pedestrian/ cycle bridge	£15,000 (indexation TBC)	To be agreed – careful phasing of the payments will be needed to	<p><b>Necessary</b> it is necessary for the development to be connected to the development to the south to provide for walking and cycling links and for sustainable modes</p>

		assist with the viability issues	<p>of transport to be preferable to the private car. The contribution would be necessary to support this aim.</p> <p><b>Directly related</b> the infrastructure would be required from this site and that to the south to enable sustainable connections. As such, it is directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> the contribution is based upon what was offered by the applicant and OCC have confirmed that this should be secured to contribute towards a bridge in this location. In the absence of another requested contribution, that offered is considered to be fairly and reasonably related in scale and kind to the development.</p>
Rights of Way	£50,000 index linked Baxter from July 2021	To be agreed – careful phasing of the payments will be needed to assist with the viability issues	<p><b>Necessary</b> it is necessary to provide opportunities for leisure/ health walking and connections to the nearby village of Bucknell for residents of the wider NW Bicester north of the railway. The routes would be easily accessible by residents of this site and it is therefore necessary for the contribution to be paid.</p> <p><b>Directly related</b> the proposal would generate population who would put additional demand on existing and demand for new public rights of way. As such a contribution to make improvements would be directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> the contribution has been calculated based upon a desk</p>

			estimate of the costs of the improvements but is based upon a proportionate contribution from development to the north of the site. The contribution sought is therefore fairly and reasonably related in scale and kind to the development.
Improvements to the junction of Charlotte Avenue and B4100	£47,289 index linked Baxter from December 2020	To be agreed – careful phasing of the payments will be needed to assist with the viability issues	<p><b>Necessary</b> the development would have an impact upon this junction in the absence of improvements to it. A contribution is sought to enable a scheme to be designed and modelled in conjunction with the upgraded B4100/ A4095 junction. It is therefore a necessary contribution to mitigate the impact of the development and in the context of the wider NW Bicester site.</p> <p><b>Directly related</b> the transport assessment identifies that additional demand would be placed on this junction due to its proposed access arrangements and therefore the requirement for a contribution is directly related to this development.</p> <p><b>Fairly and reasonably related in scale and kind</b> the proposed contribution would be a proportionate contribution to the cost of the works necessary to support the development and therefore it is fairly and reasonable related in scale and kind to the development.</p>



Improvements to the junction of B4100 and the A4095	£278,330 index linked Baxter from December 2020	TBC	<p><b>Necessary</b> this and the works to the junction above were identified as part of the transport assessment carried out to inform the NW Bicester Access and Travel Strategy which supports the NW Bicester SPD. The site is part of the wider NW Bicester development north of the railway and therefore a proportionate contribution to mitigate the impacts of development on local road junctions is necessary to mitigate the impact of the development.</p> <p><b>Directly related</b> the transport assessment identifies that additional demand would be placed on this junction and therefore the requirement for a contribution is directly related to this development.</p> <p><b>Fairly and reasonably related in scale and kind</b> the proposed contribution would be a proportionate contribution to the cost of the works necessary to support the development and therefore it is fairly and reasonable related in scale and kind to the development.</p>
Local Road Improvements TBC	£100,000 index linked TBC	To be agreed – careful phasing of the payments will be needed to assist with the viability issues	<p><b>Necessary</b> the development would have an impact upon the local road network and therefore improvements have been identified to mitigate this impact. The contribution would therefore be necessary to make the development acceptable.</p> <p><b>Directly related</b> the contribution is directly related to making local road improvements on routes to serve the</p>

			<p>development. As such, it is directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> the contribution is based upon what was offered by the applicant and OCC have confirmed that this should be secured to contribute towards local road improvements. In the absence of another requested contribution, that offered is considered to be fairly and reasonably related in scale and kind to the development.</p>
Bicester Leisure Centre	£344,635.95 index linked BCIS from December 2022	To be agreed – careful phasing of the payments will be needed to assist with the viability issues	<p><b>Necessary</b> additional population would result from the development (and cumulatively from NW Bicester as a whole) and therefore additional pressure would be placed upon the leisure centre serving Bicester. It is therefore necessary for the development to make a proportionate contribution towards the costs of improving facilities at the leisure centre to serve the demands of the development.</p> <p><b>Directly related</b> the requirement to improve swimming pool facilities at the leisure centre arises from the growth of the town to which this development contributes. As such, the contribution sought is directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> the contribution is based upon the rates set out in the Council's Developer Contributions SPD which sets out a rate per person to increase swimming pool capacity. The proposal is therefore proportionate and fairly and</p>

			reasonably related in scale and kind to the development.
Strategic Highway contribution	£3,117,646 (Indexation TBC)	To be agreed – careful phasing of the payments will be needed to assist with the viability issues	<p><b>Necessary</b> the NW Bicester development cumulatively requires the provision of strategic highway infrastructure. It is therefore necessary for the development to make its proportionate contribution towards the strategic infrastructure required.</p> <p><b>Directly related</b> the development is situated on the NW Bicester site which cumulatively requires strategic infrastructure to mitigate its impact. It is therefore directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> the proposed contribution would be a proportionate contribution to the cost of the works necessary to support the development and therefore it is fairly and reasonable related in scale and kind to the development.</p>
S106 Monitoring	CDC - £10,000 OCC - TBC	On completion of the S106	The CDC charge is based upon its recently agreed Fees and Charges Schedule which sets out that for developments over 251 dwellings that a bespoke charge will be based upon the number of obligations and triggers with a minimum charge of £10,000. Bearing in mind the viability of the development, the minimum charge is required. The need for a monitoring fee is to ensure that the Council can appropriately monitor that the development is complying with its S106

			including the high standards sought at the site and taking into account the complex nature of the site.
Library Services	£28,073 index linked BCIS TPI 327	To be agreed – careful phasing of the payments will be needed to assist with the viability issues	<p><b>Necessary</b> a new library has been provided in Bicester and part of the cost of the project was forward funded in advance of contributions being received from the development. It is therefore necessary for the development to make a contribution towards the cost of forward funding the delivery of Bicester library.</p> <p><b>Directly related</b> the development would increase demand upon the Bicester library, the new provision for which was forward funded. As such, a contribution towards the cost of the project is directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> OCC have sought a contribution based upon the remaining contribution to be secured divided by the housing growth remaining for Bicester to give a per dwelling cost plus a contribution towards increasing the core book stock held by the local library by 1.2 items per additional resident. The contribution is therefore proportionate and fairly and reasonably related in scale and kind to the development proposed.</p>
Secondary School Land Contribution	£299,970 index linked RPIX from November 2020	To be agreed – careful phasing of the payments will be needed to	<b>Necessary</b> - The proposed secondary school is on land which forms part of a planning application which sits to the south of the site. The County Council therefore expect the development to contribute proportionately

		<p>assist with the viability issues</p>	<p>towards the cost of the land and it is therefore a necessary contribution.</p> <p><b>Directly related</b> – The proposed development will generate additional secondary school pupils and as a new school is required, a land contribution is requested to facilitate this. As such, the contribution sought is directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind.</b> The cost sought is based upon the estimated per pupil cost of land for a new secondary school. This is multiplied by the number of secondary school pupils expected to be generated to give a contribution sought. It is therefore fairly and reasonably related in scale and kind.</p>
Household Waste Recycling Centres	£49,799	<p>To be agreed – careful phasing of the payments will be needed to assist with the viability issues</p>	<p><b>Necessary</b> the comprehensive kerbside collections in place in each district are only able to accept smaller, more common types of waste. Larger, ad hoc items like furniture or large electricals need to be taken to an HWRC for management. Households make around 4 visits to an HWRC each year and are regarded by residents as an important service. Without a contribution to HWRCs, the development would have an unacceptable impact on existing facilities. It is anticipated that the proposed development will provide housing for approximately 1,263 new residents. If each household makes four trips per annum the development would result in an additional 5,052 HWRC visits per year. A contribution is therefore considered to</p>

			<p>be necessary to make the development acceptable in planning terms.</p> <p><b>Directly related</b> a contribution towards additional HWRC capacity is needed because of the demand that the development will create. The current network of sites is at capacity and without changes, the pressure from increased development will result in a failure of them to adequately serve Oxfordshire residents. Contributions are requested to mitigate the increased burden that proposed development will have on the HWRC network in Oxfordshire and thus the contribution requested is directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> the calculation is proportionate to the increased demand placed on HWRCs by this development. The calculation breaks down the capital costs associated with providing HWRC infrastructure. As the whole network is currently at capacity and additional development will impact on the service, contributions are required from all developments. The cost/ household has been calculated on a square metre basis.</p>
Cultural Wellbeing Strategy	Nil		<p><b>Necessary</b> in order to embed a cultural wellbeing approach, to support the creation of sustainable development by contributing to the wellbeing, health and enjoyment of people, a cultural wellbeing strategy is required. This would enable strategies to be embedded to ensure cultural wellbeing elements to be incorporated into areas of the site infrastructure and for</p>

			<p>projects working with the community to be proposed. The strategy is therefore necessary to make the development acceptable in planning terms.</p> <p><b>Directly related</b> the approach to be negotiated would be directly related to the circumstances of each application.</p> <p><b>Fairly and reasonably related in scale and kind</b> the approach to be negotiated and the level of provision within each site would be agreed such that it is fairly and reasonably related in scale and kind to the development proposed bearing in mind its scale.</p>
Developer Led Monitoring	Nil		<p><b>Necessary</b> In order to ensure that the development is meeting the high standards sought across NW Bicester, to learn from the site and to allow improvements to future phases of the development, long term monitoring of the Eco-Town Standards is required. As such, it is necessary to secure a scheme of monitoring from this site.</p> <p><b>Directly related</b> the monitoring is directly related to the development itself.</p> <p><b>Fairly and reasonably related in scale and kind</b> the monitoring to be undertaken would be proportionate to the development itself and therefore is fairly and reasonably related in scale and kind to the development.</p>

Skills and Training	Nil		<p><b>Necessary</b> Policy Bicester 1 states that an economic strategy is to be produced to support planning applications demonstrating how access to work will be achieved. The CDC Planning Obligations SPD sets out the type of development and the thresholds on development that will trigger the requirement for the provision of a stated number of apprenticeships as part of an Employment and Skills Training Plan. In order for the development to contribute to this, it is necessary for a Training and Employment Plan to be submitted to secure apprenticeship starts.</p> <p><b>Directly related</b> the request is directly related to the development as the development itself is a vehicle to support an on-going programme of skills, training and apprenticeships. The apprenticeship starts would be directly related to the construction of the development itself.</p> <p><b>Fairly and reasonably related in scale and kind</b> the number of apprenticeship starts will be considered and will be proportionate and therefore fairly and reasonably related in scale and kind to the development. The requirement for a TEP would also increase the skills opportunities on site.</p>
Affordable Housing – within a minimum range of 10-15% with further details delegated to Officers to resolve working with the Strategic Housing team	Nil		<p><b>Necessary</b> Policy BSC3 of the Cherwell Local Plan Part 1 2011-2031 requires the provision of affordable housing on sites that propose 11 or more dwellings at a level of at least 30% of the new housing. This is due to Cherwell’s high level of need for affordable housing.</p>



		<p>The Policy enables promoters of development to provide an ‘open book’ financial analysis of proposed developments where they consider proposals to be unviable. The detailed viability negotiations and proposed solution are set out in the appraisal of the Officer report. It is necessary to secure a level of affordable housing which can be viably accommodated to make the development acceptable in planning terms.</p> <p><b>Directly related</b> the affordable housing would be provided on site in conjunction with open market housing and is therefore directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> whilst the proposed level of affordable housing would not meet the Policy required level, this is due to a viability process which is ongoing to thoroughly interrogate the applicant’s submission. Officers intend to seek as much affordable housing as can viably be delivered. The level to be secured would therefore be fairly and reasonably related in scale and kind to the development taking into account the financial viability of the scheme.</p>
Construction standards (or to be covered by Condition)	Nil	<p><b>Necessary</b> the achievement of a minimum level of construction standard is important to ensure that the scheme responds to the Policy requirements for the site. This requirement is necessary to make the development acceptable in planning terms but is a matter which could potentially be dealt with via planning</p>

		<p>condition or through other S106 requirements (such as below). Officers would seek to negotiate this further to ensure that all matters required to secure policy compliance (bearing in mind the viability position) are appropriately secured.</p> <p><b>Directly related</b> this requirement is directly related to the development as it is a requirement of the Policy related to NW Bicester and would be an integral part of the scheme itself.</p> <p><b>Fairly and reasonably related in scale and kind</b> the requirement is fairly and reasonably related in scale and kind to the development as it is a requirement of the Policy related to NW Bicester and would be an integral part of the scheme itself.</p>
<p>Zero Carbon Strategy – to calculate how each phase could contribute towards the true zero carbon standard and use the £576,309 (index linked BCIS from 1Q 2022) could be used to result in additions beyond FHS</p>		<p><b>Necessary</b> Policy Bicester 1 requires development to be constructed to Zero Carbon standards (as defined). The proposal is expected to fall short of this standard (but to be built to Future Homes Standard as a minimum). However, should the specifics of the proposal mean that the required standard can be secured viably, then it would need to be. As such, a zero-carbon strategy to demonstrate how each would contribute to the required standards would be necessary to make the development acceptable in planning terms. The contribution identified would enable additional benefits beyond achieving the Future Homes Standard to be secured and a process for ensuring this would be available per phase, including</p>

			<p>how it would be utilised would also need to be included within the strategy. This element would also be necessary to make the development acceptable in planning terms.</p> <p><b>Directly related</b> the requirement is directly related to the development as it is a requirement of the Policy related to NW Bicester and would be an integral part of the scheme itself.</p> <p><b>Fairly and reasonably related in scale and kind</b> the requirement is fairly and reasonably related in scale and kind to the development as it is a requirement of the Policy related to NW Bicester and would be an integral part of the scheme itself. Whilst the contribution offered would not necessarily be sufficient to ensure TZC, it has been taken into account via the viability process. The viability mechanism may increase the level of funding available following the delivery of policy compliant levels of affordable housing.</p>
Viability Review Mechanism			<p>A viability review mechanism would be an important part of ensuring that regular reviews of the viability of the scheme are undertaken to ensure that should additional value be generated by a more optimum scheme that might be brought forward at the reserved matters stage, that this can be captured and ensure that the actual proposals in terms of achieving additional affordable housing and reaching the true zero carbon/ sustainability standards can be accounted for. This would be an upward only review process meaning that</p>

			<p>the minimum level of infrastructure secured at the outline stage would not be lost but that where additional value is generated, that this would be used to secure additional affordable housing up to a maximum of a policy compliant level. Should further value be identified then Officers would recommend that this be used on site to further improve the build standards</p>
--	--	--	--